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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR AND SMALL BUSINESS ADMINISTRATION

1. Effective upon publication in the FEDERAL REGISTER § 6.110 (e) (1) is amended to read as follows:

§ 6.110 *Department of the Interior*

* * *

(e) *Office of Territories.* (1) Until December 31, 1957, all positions in Alaska in the Alaska Railroad.

2. Effective upon publication in the FEDERAL REGISTER paragraph (b) of § 6.128 is revoked and the other paragraphs of the section are amended to read as set out below.

§ 6.128 *Small Business Administration.* (a) Not to exceed June 30, 1957, fourteen Regional Directors.

(b) [Revoked.]

(c) Not to exceed June 30, 1957, one Confidential Assistant to the Special Assistant to the Administrator; and one Special Assistant to the Director, Office of Information.

(d) Not to exceed June 30, 1957, Chiefs of the following Divisions: Managerial Assistance, Financial Service, Procurement Assistance, Production Assistance, and Products Assistance.

(e) Not to exceed June 30, 1957, one Assistant Chief, Managerial Assistance Division.

(f) Not to exceed June 30, 1957, Chairman and three Members, Loan Review Committee.

(g) Not to exceed June 30, 1957, two Investigators, Office of the General Counsel.

(h) Not to exceed June 30, 1957, a maximum of thirty-three Branch Office Managers.

(i) Not to exceed June 30, 1957, the position of the top-ranking Financial Specialist in each Regional Office.

(j) Not to exceed June 30, 1957, one Deputy Director, Office of Information.

(k) Not to exceed June 30, 1957, the position of the top-ranking Production Specialist or Industrial Specialist in each Regional Office.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1623, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10547; Filed, Dec. 30, 1955; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE; POST OFFICE DEPARTMENT

1. Effective upon publication in the FEDERAL REGISTER subparagraphs (13) and (14) are added to § 6.304 (a) as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* * * *

(13) The Defense Advisor and Deputy Defense Advisor to USRO in Paris, France.

(14) Two private secretaries to the Defense Advisor to USRO in Paris, France.

2. Effective upon publication in the FEDERAL REGISTER subparagraphs (3) and (4) are added to § 6.309 (e) and subparagraph (1) of paragraph (f) is amended as set out below.

§ 6.309 *Post Office Department.* * * *

(e) *Office of the Solicitor* * * *

(3) One Deputy Solicitor.

(4) One Private Secretary to the Deputy Solicitor.

(f) *Bureau of Post Office Operations.*

(1) Two Confidential Assistants to the Assistant Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1623, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10552; Filed, Dec. 30, 1955; 8:48 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; IDAHO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

IDAHO

County:	*Average value*
Ada	$26,000
Adams	23,000
Bannock	30,000
Bear Lake	30,000
Benewah	25,000
Bingham	30,000
Blaine	28,000
Boise	28,000
Bonner	25,000
Bonneville	30,000
Boundary	25,000
Butte	23,000
Camas	23,000
Canyon	26,000
Caribou	30,000
Cassia	26,000
Clark	30,000
Clearwater	25,000
Custer	23,000
Elmore	23,000
Franklin	30,000
Fremont	30,000
Gem	26,000
Gooding	26,000
Idaho	25,000
Jefferson	30,000
Jerome	26,000
Kootenai	25,000
Latah	30,000
Lemhi	23,000
Lewis	25,000
Lincoln	26,000
Madison	30,000

IDAHO—Continued County	Average value
Minidoka	$26,000
Nez Perce	25,000
Oneida	30,000
Owyhee	26,000
Payette	26,000
Power	30,000
Shoshone	25,000
Teton	30,000
Twin Falls	26,000
Valley	28,000
Washington	26,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 27, 1955.

[SEAL] H. C. SMITH,
Acting Administrator
Farmers Home Administration.

[F. R. Doc. 55-10585; Filed, Dec. 30, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter V—Commodity Stabilization Service (Surplus Property), Department of Agriculture

PART 500—STATEMENT OF POLICIES ON DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES AND SURPLUS FOODS PROCESSED THEREFROM

PART 502—IMPORTATION OF AGRICULTURAL FOREIGN EXCESS PROPERTY

Parts 500 and 502 of Title 7, Chapter V, of the Code of Federal Regulations are hereby revoked.

Issued this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10553; Filed, Dec. 30, 1955; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 868.8]

PART 868—WAGE RATES; SUGARCANE; VIRGIN ISLANDS

CALENDAR YEAR 1956

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act") after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 11, 1955, the following determination is hereby issued.

§ 868.8 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1956*—(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1956 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this section in the FEDERAL REGISTER or January 1, 1956, whichever is later, not less than the following:

(i) *Basic time rates.* The basic rates per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker:	Basic rate per hour
A—Operators of mechanical loaders	$0.65
B—Operators of tractors and trucks	.50
C—Chemical sprayers	.43
D—All others	40

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour and the hourly rate for Class B tractor driver work in subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided,* That the training period for such workers shall not exceed six work-weeks and: *Provided further* That the employer shall have available for examination by the local supervisor of the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico (hereinafter referred to as "Area Office") a copy of the certificate of learner or apprentice status issued by the St. Croix Municipal Wage Commissioner in accordance with the provisions of section 6 (a) of St. Croix Municipal Council Bill No. 43, passed July 3, 1952.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided,* That the employer shall have available for examination by the local supervisor of the Area Office, a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner in accordance with the provisions of section 6 (a) of St. Croix Municipal Council Bill No. 43, passed July 3, 1952.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 44 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i) (ii) and (iii) of this subparagraph: *Provided,* That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in Section 4 (c) of St. Croix Municipal Council Bill No. 2 passed January 5, 1950.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise, such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed

by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1956, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production) and the differences in conditions among various producing areas.

(c) *1956 wage determination.* The 1956 determination continues the provisions of the 1955 wage determination. Minor language changes have been made which do not affect the requirements.

At the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 11, 1955, interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1956. A representative of the Federally-owned Virgin Islands Corporation recommended that there be no change in the 1956 determination from that effective in 1955. He submitted a financial statement of the Corporation for the fiscal year ending June 30, 1955 which indicated that the losses of the Corporation continue to be substantial. He also stated that the scarcity of labor is still the most serious problem confronting the Corporation. The witness stated that the provisions for apprentice operators of mechanical loaders and tractors and for the employment of handicapped workers had not been utilized but recommended that both be retained in the determination.

A representative of the St. Croix Labor Union recommended that the provision for perquisites be restored to the 1956 determination and that the other provisions of the 1955 determination to continued unchanged for 1956. He stated that while the resident workers were charged rent for housing owned by the Virgin Islands Corporation the imported workers received free housing and lights. The witness testified that food prices during the past year have remained essentially the same but increases in clothing prices have raised the cost of living slightly, and that small farmers generally pay higher wage rates than the minimum rates set forth in the determination.

A representative of the St. Croix Sugar Industries, Inc., recommended that the wage determination in effect in 1955 be continued for 1956. The witness testified that while sugar prices have been declining, field labor wage rates have remained the same and the scarcity of labor has necessitated importing workers which has increased costs. The witness endorsed retention of the handicapped worker's rate as well as the provision for apprentice workers.

A representative of the Farmers' Production and Marketing Service recommended that the provisions of the wage determination remain unchanged. He commented on the inequity of the Virgin Islands Corporation furnishing free housing to imported workers while charging resident workers rent. He further stated that workers demand 10 cents per hour above the minimum wage when working for the small farmer.

A representative of a large independent grower testified that he had to import workers for harvest because he was unable to find enough workers locally. The witness also testified that he had been unable to find any increases in food and clothing prices during the past year.

Consideration has been given to the recommendations made, to the economic position of producers and workers, to information resulting from investigations, to the required standards of the act, and other pertinent factors. Analysis of available data indicates that while the losses of the Virgin Islands Corporation for the 1955 crop were not as great as in 1954, it does not appear likely under prospective conditions that the Corporation's financial position with respect to sugarcane-growing operations will improve substantially for the 1956 crop.

Recent wage determinations have conformed to minimum wage legislation prescribed by the Municipal Council of St. Croix even though the wage rates are higher than those indicated by application of the standards customarily considered in wage determinations under the Sugar Act.

The recommendation that the perquisite provision be restored in the determination has not been adopted. The perquisite provision was eliminated from the wage determination in 1954 because the Virgin Islands Corporation, the largest employer of labor, is required by federal statutes and regulations to make a charge for housing furnished to workers. A witness for the Corporation stated at the hearing that the Corporation was required by contract with foreign governments to furnish free sleeping quarters and lights to imported workers.

After consideration of all factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provision of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131).

Issued this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10524; Filed, Dec. 30, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 68]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.368 *Navel Orange Regulation 68*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 29, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at

12:01 a. m., P. s. t., January 1, 1956, and ending at 12:01 a. m., P. s. t., January 8, 1956, is hereby fixed as follows:

(i) District 1. 739,200 cartons;

(ii) District 2: 107,240 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4. Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 30, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10613; Filed, Dec. 30, 1955; 11:25 a. m.]

PART 934—MILK IN MERRIMACK VALLEY, MASS., MARKETING AREA

STANDARD WEIGHTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237) there was published in the FEDERAL REGISTER of December 17, 1955 (20 F. R. 9495), notice that the market administrator under Order No. 34, regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area (7 CFR Part 934) was considering the issuance of a proposed amendment to the rules and regulations (7 CFR 934.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., December 22, 1955. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendment to the rules and regulations herein set forth is necessary to effectuate the terms and provisions of Order No. 34, as amended, and as further amended effective January 1, 1956. Since it does not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of this amendment to the rules and regulations. Therefore, pursuant to authority contained in said Order No. 34, the following amendment to the rules and regulations is hereby issued, to be effective on and after the 1st day of January 1956.

Amend the table of standard weights in § 934.141 to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and Half	Any test	2.14	84.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Boston, Massachusetts, this 23d day of December 1955.

[SEAL] ROBERT W. CHERRY,
Acting Market Administrator

[F. R. Doc. 55-10579; Filed, Dec. 30, 1955; 8:53 a. m.]

[Docket No. AO-101-A20]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) a public hearing was held at Chicago, Illinois, on July 5-8, 1955, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective as soon as possible and not later than January 1, 1956, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on July 5-8, 1955, a recommended decision having been issued on November 29, 1955, and a final decision having been issued on December 22, 1955. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as

hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.69 (a) (1) delete the words "December 31" and insert instead the words "January 15 preceding the months in which the base applies,"

2. In § 941.69 (a) (2) delete subdivision (ii) and substitute the following:

(ii) Determine the percentage that base milk was of the remaining pounds and subtract ten, except that for the months of March, April, May and June 1956 the percentages computed pursuant to this subdivision shall be as follows:

Month:	Percentage
March 1956	65
April 1956	60
May 1956	55
June 1956	55

3. Delete § 941.69 (b) (3) and substitute the following:

(3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided,* That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

4. Renumber § 941.69 (b) (4) as § 941.69 (b) (5) and insert a new subparagraph (4) as follows:

(4) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided,* That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

5. In § 941.69 (b) insert subparagraph (6) as follows:

(6) Subject to the provisions set forth in subparagraphs (1) and (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October, or November may transfer to another producer credit for milk deliveries for base making purposes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of December 1955, to be effective on and after the 1st day of January 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10578; Filed, Dec. 30, 1955; 8:49 a. m.]

[945.301 Amdt. 1]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

Order, as amended. The provisions of § 945.301 (b) (3) (FEDERAL REGISTER, December 1, 1955; 20 F R. 8808) are hereby amended as follows:

(3) The requirements of subparagraph (1) of this paragraph shall not be applicable to shipments of tomatoes (i) within the production area, (ii) to canning plants, or (iii) for relief or charity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of December 1955, to become effective January 2, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-10581; Filed, Dec. 30, 1955; 8:50 a. m.]

[Lemon Reg. 622]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.729 *Lemon Regulation 622*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 23, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to ef-

fectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 1, 1956, and ending at 12:01 a. m., P s. t., January 8, 1956, is hereby fixed as follows:

(i) District 1. 37,200 cartons;

(ii) District 2: 176,700 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 29, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10609; Filed, Dec. 30, 1955; 8:55 a. m.]

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

STANDARD WEIGHTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of December 17, 1955 (20 F. R. 9495) notice that the market administrator under Order No. 96, regulating the handling of milk in the Springfield, Massachusetts, marketing area (7 CFR Part 996) was considering the issuance of a proposed amendment to the rules and regulations (7 CFR 996.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., December 22, 1955. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendment to the rules and regulations herein set forth is necessary to effectuate the terms and provisions of Order No. 96, as amended, and as further amended effective January 1, 1956. Since it does not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of this amendment to the rules and regulations. Therefore, pursuant to authority contained in said Order No. 96, the following amendment to the rules and regulations is hereby issued, to be effective on and after the 1st day of January 1956.

Amend the table of standard weights in § 996.141 to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and Half	Any test	2.14	84.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Boston, Massachusetts, this 23d day of December 1955.

[SEAL] ROBERT W CHERRY,
Acting Market Administrator

[F. R. Doc. 55-10600; Filed, Dec. 30, 1955; 8:49 a. m.]

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

STANDARD WEIGHTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237) there was published in the FEDERAL REGISTER of December 17, 1955 (20 F R. 9495) notice that the market administrator under Order No. 99, regulating the handling of milk in the Worcester, Massachusetts, marketing area (7 CFR Part 999) was considering the issuance of a proposed amendment to the rules and regulations (7 CFR 999.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., December 22, 1955. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendment to the rules and regulations herein set forth is necessary to effectuate the terms and provisions of Order No. 99, as amended, and as further amended effective January 1, 1956. Since it does not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of this amendment to the rules and regulations. Therefore, pursuant to authority contained in said Order No. 99, the following amendment to the rules and regulations is hereby issued, to be effective on and after the 1st day of January 1956.

Amend the table of standard weights in § 999.141 to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and Half	Any test	2.14	84.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Boston, Massachusetts, this 23d day of December 1955.

[SEAL] ROBERT W CHERRY,
Acting Market Administrator

[F. R. Doc. 55-10599; Filed, Dec. 30, 1955; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53990]

PART 3—DOCUMENTATION OF VESSELS

CHANGE OF NAME OF VESSEL

Section 3.51 (i) of the Customs Regulations requires an accurate index of each change of name of a documented vessel to be maintained at the vessel's home port. Since the index of marine documents (customs Form 1241) and the title records at the home port, the annual publication "Merchant Vessels of the United States," and the monthly supplements to that publication afford sufficient information on name changes, the requirement for a special index is being eliminated.

In addition, to afford a greater measure of protection to vessel creditors, as contemplated by the change of name statute, it is desirable to limit to 6 months the period during which an order for change of name may be made effective.

For these reasons, § 3.51 (i) of the Customs Regulations is amended to read as follows:

(i) The order for change of name shall be effective only if the vessel is documented in the new name within a period of 6 months from the date of the order.

(Sec. 2, 23 Stat. 118, as amended; 46 U. S. C. 2. Interprets or applies R. S. 4179, secs. 1-3, 41 Stat. 436, as amended, 437, as amended; 46 U. S. C. 50-53)

Pending revision of customs Form 1323, any order on the present form approving a change of name shall be limited in accordance with § 3.51 (i) as amended above.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 23, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10601; Filed, Dec. 30, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

REVISION OF PART

Because of the great number of amendments to Part 40, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on December 31, 1955. Attention is also called to the following changes which have been made:

(1) Minor editorial changes have been made in a few of the definitions in § 40.5. These changes are for the purpose of obtaining uniformity in language or clarification of intent.

(2) Minor editorial changes have been made in §§ 40.18, 40.33, 40.35, 40.61 (a) (2) 40.63 (a) 40.117, 40.171 (g), 40.175 (b) 40.176, 40.284 (a) 40.304 (b) 40.340 (a) and (b) 40.363 (c) 40.406 (c) and 40.508 (b)

(3) Obsolete compliance dates have been deleted from §§ 40.90, 40.172 (k), 40.173 (b) (3) and 40.175 (d)

(4) An obsolete footnote in § 40.110 has been deleted.

(5) A proviso containing an obsolete compliance date in § 40.175 (c) has been deleted.

(6) All footnotes have been changed to notes and follow the sections to which they apply.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) as attached hereto, effective on December 31, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

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40.1 Applicability of this part.
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AUTHORITY: §§ 40.1 to 40.511 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555.

APPLICABILITY AND DEFINITIONS

§ 40.1 *Applicability of this part.* The provisions of this part are applicable to air carriers holding certificates of public convenience and necessity issued in accordance with Title IV of the Civil Aeronautics Act of 1938, as amended, when they engage in scheduled interstate air transportation within the continental limits of the United States: *Provided,* That the provisions of this part shall not apply to operations conducted pursuant to economic exemption authority issued by the Board for a period of 90 days or less: *And provided further* That the Administrator may authorize any air carrier holding authority to engage in scheduled cargo operations pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to conduct such operations in accordance with the air carrier certification and operations rules prescribed in Part 42 of this subchapter: *And provided further* That in the case of segments of routes extending beyond the continental limits of the United States the Administrator may authorize an air carrier to conduct operations over such route segments pursuant to provisions of this part.

§ 40.2 *Applicability of Parts 43 and 60 of this subchapter* The provisions of Parts 43 and 60 of this subchapter shall be applicable to all air carrier operations conducted under the provisions of this part unless otherwise specified in this part.

§ 40.5 *Definitions.* As used in this part terms shall be defined as follows:

Accelerate-stop distance. Accelerate-stop distance is the distance required to accelerate an airplane to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

Administrator The Administrator is the Administrator of Civil Aeronautics.

Air carrier An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, the carriage by airplane of persons or property as a common carrier for compensation or hire, or the carriage of mail by airplane.

Air traffic clearance. An air traffic clearance is an authorization issued by air traffic control for an airplane to proceed under specified conditions.

Air traffic control. Air traffic control is a service provided for the purpose of: (1) Preventing collisions between airplanes, and, on the airport ground maneuvering area, between airplanes and obstructions; and (2) expediting and maintaining an orderly flow of air traffic.

Aircraft dispatcher An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including engines and propellers.

Airplane. An airplane is a power-driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

Airport. An airport is an area of land or water which is used, or intended for use, for the landing and take-off of airplanes.

Alternate airport. An alternate airport is an approved airport to which a flight may proceed if a landing at the airport to which the flight was dispatched becomes inadvisable.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of airplanes in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to airplanes during flight, but excluding parachutes), and which are not a part or parts of airframes, engines, or propellers.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Ceiling. Ceiling is the height above the ground or water of the lowest layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

Check airman. A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

Control area. Control area is airspace having defined dimensions, designated by the Administrator, which extends upward from an altitude of 700 feet above the surface, within which air traffic control is exercised. In the case of operations conducted in the airspace of a foreign country, control area shall mean the airspace designated by the appropriate authority of such country.

Control zone. A control zone is airspace having defined dimensions, designated by the Administrator, which extends upward from the surface, which

includes one or more airports, and within which rules additional to those governing control areas apply for the protection of air traffic. In the case of control zones located in foreign countries, the control zone shall be designated by the appropriate authority of such country.

Crew member. A crew member is any individual assigned by an air carrier for the performance of duty on an airplane in flight.

Critical engine. The critical engine is that engine the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

Critical-engine-failure speed, V_1 (transport category airplanes). The critical-engine-failure speed is the airplane speed used in the determination of the take-off distance required at which the critical engine is assumed to fail. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Dispatch release. A dispatch release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

Duty aloft. Duty aloft includes the entire period during which an individual is assigned as a member of an airplane crew during flight time.

Effective length of runway—(1) *Take-off.* The effective length of runway for take-off as used in the take-off operating limitations for nontransport category airplanes is the distance from the end of the runway at which the take-off is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the center line of the runway.

(2) *Landing.* The effective length of runway for landing as used in the landing operating limitations for both transport and nontransport category airplanes is the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the center line of the runway to the far end thereof.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Extended overwater operation. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

Fireproof. Fireproof material means a material which will withstand heat equally well or better than steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

Fire-resistant. When applied to sheet or structural members, fire-resistant material means a material which will withstand heat equally well or better than aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, this term refers to a line and fitting assembly which will perform its intended protective functions under the heat and other conditions likely to occur at the particular location.

Flame-resistant. Flame-resistant material means a material which will not support combustion to the point of propagating beyond safe limits, a flame after the removal of the ignition source.

Flammable. Flammable fluids or gases mean those which will ignite readily or explode.

Flash-resistant. Flash-resistant material means material which will not burn violently when ignited.

Flight crew member. A flight crew member is a crew member assigned to duty on an airplane as a pilot or flight engineer.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of an airplane.

Flight time. Flight time is the time from the moment the airplane first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time)

High-altitude operation. High-altitude operation is flight conducted at or above 12,500 feet above sea level east of longitude 100° W and at or above 14,500 feet above sea level west of longitude 100° W

IFR. IFR is the symbol used to designate instrument flight rules.

Interstate air transportation. Interstate air transportation is the carriage by airplane of persons or property as a common carrier for compensation or hire or the carriage of mail by airplane, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States, or the District of Columbia; whether such commerce moves wholly by airplane or partly by airplane and partly by other forms of transportation.

Maximum certificated take-off weight. Maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the airplane airworthiness certificate.

NOTE: The airplane airworthiness certificate incorporates as a part thereof the airplane operating record or that portion of an Airplane Flight Manual which contains the pertinent limitation.

Minimum control speed. The minimum control speed is the minimum speed at which an airplane can be safely controlled in flight after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the Offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Obstruction clearance area—(1) *Take-off.* A take-off obstruction clearance area as used in the take-off operating limitations for nontransport category airplanes is an area on the earth's surface defined as follows: The center line of the obstruction clearance area in plan view shall coincide with and prolong the center line of the runway, beginning at the point where the obstruction clearance plane intersects the center line of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the center line shall proceed in a path consistent with the take-off procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the center line at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the center line at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the center line.

(2) *Landing.* A landing obstruction clearance area as used in the landing operating limitations for both transport and nontransport category airplanes is an area on the earth's surface defined as follows: The center line of the obstruction clearance area in plan view shall coincide with and prolong the center line of the runway, beginning at the point where the obstruction clearance plane intersects the center line of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the center line shall proceed in a path consistent with the instrument approach procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the center line at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the center line at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the center line.

Obstruction clearance plane. An obstruction clearance plane is a plane which is tangent to or clears all obstructions within the obstruction clearance area and which slopes upward from the runway at a slope of 1:20 to the horizontal as shown in a profile view of the obstruction clearance area.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations Specifications. Operations Specifications are rules of particular applicability issued by the Administrator under delegated authority from the Board and are not part of the air carrier operating certificate.

Over-the-top. Over-the-top means the operation of an airplane above a layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

Pilot in command. The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the airplane during the time defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Propeller A propeller is a device for propelling an airplane through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the airplane.

Provisional airport. A provisional airport is an airport approved for use by an air carrier for the purpose of providing service to a community when the regular airport serving that community is not available.

Rating. A rating is an authorization issued with a certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Refueling airport. A refueling airport is an airport approved as an airport to which flights may be dispatched only for refueling.

Regular airport. A regular airport is an airport approved as a regular terminal or intermediate stop on an authorized route.

Route. A route is the airspace on either side of a course joining those points on the surface of the earth between which an air carrier provides air transportation in accordance with the terms of its certificate of public convenience and necessity issued by the Board.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a point at which a definite radio fix can be established.

Runway. A runway is a clearly defined area of an airport suitable for the safe landing or take-off of airplanes.

Scheduled for duty aloft. Scheduled for duty aloft means the assignment of a flight crew member on the basis of the flight time established in the operations schedules rather than the actual flight time.

Show. Show means to demonstrate or prove to the satisfaction of the Administrator prior to the issuance of the air carrier operating certificate and at any time thereafter required by the Administrator.

Synthetic trainer A synthetic trainer is a device the use of which is approved to simulate certain operating conditions.

Take-off safety speed, V_2. The take-off safety speed is the airplane speed used in the determination of the take-off flight path at which the climb-out following take-off can be safely executed with one engine inoperative and with the airplane in the take-off configuration. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment an airplane leaves the ground until it touches the ground at the end of a flight.

Transport category airplane. A transport category airplane is an airplane which has been type certificated in accordance with the requirements of Part 4b of this subchapter or the transport category requirements of Part 4a of this subchapter.

Type. With regard to airman qualifications, type means all airplanes of the same basic design, including all modifications thereto except those modifications which the Administrator has found result in a substantial change in characteristics pertinent to the airman concerned.

VFR. VFR is the symbol used to designate visual flight rules.

V_{s_0}. V_{s_0} is the symbol used to designate the true indicated stalling speed or the minimum steady flight speed in the landing configuration.

Visibility. Visibility is the greatest distance at which conspicuous objects can be seen and identified.

(1) *Flight visibility.* Flight visibility is the average range of visibility forward from the cockpit of an airplane in flight to see and identify prominent unlighted objects by day and prominent lighted objects by night.

(2) *Ground visibility.* Ground visibility is the visibility at the earth's surface as reported by the United States Weather Bureau or by a source approved by the Weather Bureau.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 40.10 *Certificate required.* No person subject to the provisions of this part shall operate an airplane in scheduled interstate air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 40.11 *Contents of certificate.* An air carrier operating certificate shall specify the points to and from which, and the routes over which, an air carrier is authorized to operate.

§ 40.12 *Application for certificate.* An application for an air carrier operating certificate shall be made in the form and manner and contain information prescribed by the Administrator.

§ 40.13 *Issuance of certificate.* (a) An air carrier operating certificate shall be issued by the Administrator to an applicant having a certificate of public convenience and necessity issued by the Civil Aeronautics Board when the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications authorized in this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations in airplanes of 12,500 pounds or less maximum certificated take-off weight, or for air carrier operations conducted pursuant to a temporary authorization issued under Title IV of the Civil Aeronautics Act of 1938, as amended, require or permit a deviation from any specific requirement for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he may issue operations specifications prescribing requirements which deviate from the requirements of this part. The Administrator shall promptly notify the Board of such deviations in the operations specifications and the reasons therefor.

§ 40.14 *Amendment of certificate.* (a) The Administrator shall, after notice and opportunity for hearing to the carrier concerned, amend an air carrier operating certificate when he finds that such amendment is reasonably required in the interest of safety.

(b) Upon application by an air carrier the Administrator shall amend an air carrier operating certificate when he finds that the general standards of safety permit such an amendment.

§ 40.15 *Display of certificate.* The air carrier operating certificate shall be available at the principal operations office of an air carrier for inspection by any authorized representative of the Board or the Administrator.

§ 40.16 *Duration of certificate.* (a) An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board held by the air carrier, or until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After suspension or revocation it shall be returned to the Administrator.

(b) Nothing in this section shall be construed to deny or to defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the Civil Aeronautics Act of 1938, as amended, regulations in this subchapter, or the air carrier operating certificate occurring during the effective period of such certificate.

§ 40.17 *Transferability of certificate.* An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

§ 40.18 *Operations specifications required.* (a) No person subject to the provisions of this part shall operate as an air carrier without, or in violation of, operations specifications issued by the Administrator.

(b) New or amended specifications shall be issued by the Administrator for operations subject to this part in a form and manner prescribed by him and in accordance with the provisions of this part.

§ 40.19 *Contents of specifications.* The operations specifications shall contain the following:

(a) Types of operations authorized;

(b) Types of airplanes authorized for use;

(c) En route authorizations and limitations;

(d) Airport authorizations and limitations;

(e) Time limitation for overhauls, inspections, and checks of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;

(f) Procedures used to maintain control of weight and balance of airplanes;

(g) Interline equipment interchange requirements, if pertinent; and

(h) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 40.20 *Utilization of operations specifications.* The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier.

§ 40.21 *Amendment of operations specifications.* Any operations specification may be amended by the Administrator if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment shall become effective prior to thirty days after the date the air carrier has been notified of such amendment. Within thirty days after either the receipt of such notice or the refusal of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Board to review the action of the Administrator. Except with regard to emergency amendments by the Administrator, the effectiveness of any amendment concerning which the carrier has petitioned for review shall be stayed pending the Board's decision.

§ 40.22 *Inspection authority.* An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Civil Aeronautics Act of 1938, as amended, the regulations in this subchapter, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 40.23 *Operations and maintenance base and office.* Each air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and his principal maintenance base. Thereafter, prior to any change in any such office or base, he shall give written notice to the Administrator.

REQUIREMENTS FOR SERVICES AND FACILITIES

§ 40.30 *Route requirements; demonstration of competence.* The air carrier shall show that it is competent to conduct scheduled operations over any route or route segment between any regular, provisional, or refueling airport and that the facilities and services available are adequate for the type of operation proposed. The Administrator shall not require actual flight over a route or route segment, if the air carrier shows that such flight is not essential to safety. The air carrier may thereafter conduct operations between regular, provisional, or refueling airports on any approved route or routes on which the operational facilities and procedures are substantially similar: *Provided,* That high-altitude operations may be conducted over any route.

§ 40.31 *Width of routes.* A route or route segment shall include the navigable airspace on each side of an approved course or courses, and it shall have a width designated by the Administrator consistent with terrain, available navigational aids, traffic density, and air traffic control procedures: *Provided,* That for high-altitude operations, courses need not be approved, and the width of navigable airspace on each side thereof need not be designated by the Administrator.

§ 40.32 *IFR routes outside of control areas.* IFR routes outside of control areas shall be approved if the air carrier shows that the navigational and communications facilities are adequate for the operations proposed, unless the Administrator finds that because of traffic density an adequate level of safety cannot be insured in a particular area: *Provided,* That for high-altitude operations IFR routes need not be approved.

§ 40.33 *Airports.* The air carrier shall show that each route has sufficient airports found by the Administrator to be properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and traffic control.

§ 40.34 *Communications facilities.* The air carrier shall show that a two-way air/ground radio communication system is available at such points as will insure reliable and rapid communications under normal operating conditions over the entire route, either direct or via approved point-to-point circuits for the following purposes:

(a) Communications between airplanes and the appropriate dispatch office, in which case such systems shall be independent of systems operated by the Federal Government, and

(b) Communications between airplanes and the appropriate air traffic control unit, in which case the Administrator may permit the use of communications systems operated by the Federal Government.

§ 40.35 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Weather reports used to control flight movements shall be those prepared and released by the U. S. Weather Bureau, or by a source approved by the Weather Bureau. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 40.36 *En route navigational facilities.* The air carrier shall show that nonvisual ground aids to air navigation are available along each route, that they are so located as to permit navigation to any regular, provisional, refueling, or alternate airport within the degree of accuracy necessary for the operation involved, and that they are available for the navigation of airplanes within the degree of accuracy required for air traffic control: *Provided,* That no nonvisual ground aids to navigation are required for day VFR operations where the characteristics of the terrain are such that navigation can be conducted by pilotage, or for night VFR operations along lighted airways or on routes where the Administrator has determined that reliably lighted landmarks are adequate for safe operations.

§ 40.37 *Servicing and maintenance facilities.* The air carrier shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available at such points along the air carrier's routes as are necessary for the proper servicing, maintenance, repair, and inspection of airplanes and auxiliary equipment.

§ 40.38 *Location of dispatch centers.* The air carrier shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper operational control of each flight.

MANUAL REQUIREMENTS

§ 40.50 *Preparation of manual.* The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 40.51 *Contents of manual.* (a) The manual shall contain instructions, information, and data necessary for the per-

sonnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, operations specifications, or the operating certificate. The manual may be in two or more separate parts (e. g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain so much of the information listed below as is appropriate for each group of personnel:

(1) General policies;

(2) Duties and responsibilities of each crew member and appropriate members of the ground organization;

(3) Reference to appropriate regulations in this subchapter and Civil Aeronautics Manuals;

(4) Flight dispatching and control;

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, including for each approved route the types of airplanes authorized, their crew complement, the type of operation (i. e., VFR, IFR, day, night) and other pertinent information;

(7) Appropriate information from the airport operations specifications, including for each airport its location, its designation (i. e., regular, alternate, provisional, etc.) types of airplanes authorized, instrument approach procedures, landing and take-off minimums, and other pertinent information;

(8) Take-off, en route, and landing weight limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) The method of designating succession of command of flight crew members;

(12) Procedures for determining the usability of landing and take-off areas and for dissemination of pertinent information to operations personnel;

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(14) Airman training programs, including appropriate ground, flight, and emergency phases;

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(16) Time limitations for overhaul, inspection, and checks, of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;

(17) Procedures for refueling airplanes, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(19) Methods and procedures for maintaining the airplane weight and center of gravity within approved limits;

(20) Pilot and dispatcher route and airport qualification procedures;

(21) Accident notification procedures; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the air carrier.

§ 40.52 *Distribution of manual.* (a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto shall be furnished to the following:

(1) Appropriate ground operations and maintenance personnel of the air carrier;

(2) Flight crew members; and

(3) Authorized representatives of the Administrator assigned to the air carrier to act as aviation safety agents.

(b) All copies of the manual shall be kept up to date.

§ 40.53 *Airplane Flight Manual.* (a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with § 40.50 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane.

AIRPLANE REQUIREMENTS

§ 40.60 *General.* Airplanes shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of the regulations in this subchapter. No air carrier shall operate any airplane in scheduled operation unless such airplane meets the requirements of this part and is in an airworthy condition.

§ 40.61 *Airplane certification requirements*—(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either

(1) Retain their present airworthiness certification status and meet the requirements of § 40.90, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of this subchapter or the performance requirements of §§ 4b.110 through 4b.125 of this subchapter and in addition shall meet the requirements of § 40.70: *Provided,* That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, and used in passenger operation shall be certificated as transport category airplanes and shall meet the requirements of § 40.70.

§ 40.62 *Airplane limitation for type of route.* All airplanes used in passenger air transportation shall be multiengine airplanes and shall comply with the following requirements:

(a) *Two- or three-engine airplanes.* Two- or three-engine airplanes shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the airplanes will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speed with one engine inoperative: *Provided,* That the Administrator may specify distances greater or less than those set forth herein when he determines that the character of the terrain, the type of operation, or the performance of the airplanes to be used so permit or require.

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated as adequate for ditching in accordance with the ditching provisions of Part 4b of this subchapter.

§ 40.63 *Proving tests.* (a) A type of airplane not previously proved for use in scheduled operation shall have at least 100 hours of proving tests, in addition to the airplane certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night.

(b) A type of airplane which has been previously proved shall be tested for at least 50 hours, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the airplane:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

(c) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved by the Administrator.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; TRANSPORT CATEGORY

§ 40.70 *Transport category airplane operating limitations.* (a) In operating any passenger-carrying transport category airplane the provisions of §§ 40.71 through 40.78 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) For transport category airplanes the performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these

provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(c) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by §§ 4a.749a–T or 4b.117 of this subchapter, and set forth in the Airplane Flight Manual for the airplane.

§ 40.71 *Weight limitations.* (a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is to be made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 40.72 *Take-off limitations to provide for engine failure.* No take-off shall be made except under conditions which will permit compliance with the following requirements:

(a) It shall be possible, from any point in the take-off up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the runway. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that a maximum bank thereafter does not exceed 15°

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

§ 40.73 *En route limitations; all engines operating.* No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least 6 V_{s_0} (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this subchapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.74 *En route limitations; one engine inoperative.* (a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute) with one engine inoperative, of at least

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this subchapter, the rate of climb shall be 0.02 $V_{s_0}^2$

(b) As an alternative to the provisions of paragraph (a) of this section, an air carrier may utilize an approved procedure whereby its airplanes are operated at an all-engine-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 40.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this subchapter and by 0.02 $V_{s_0}^2$ for airplanes certificated under Part 4a of this subchapter.

(2) The all-engine-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the take-off weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided,* That the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning shall be permitted if the Administrator finds that the air carrier has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 40.390.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.75 *En route limitations; two engines inoperative.* The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or paragraph (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 40.78, assuming all engines to be operating at cruising power.

(b) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the take-off weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two

engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to an altitude at which the rate of descent becomes zero, if the latter is sufficiently above the prescribed minimum altitude to assure compliance with the prescribed rate of climb at the prescribed minimum altitudes during the subsequent portion of the flight.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 40.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

§ 40.76 *Special en route limitations.* The 10-mile lateral distance specified in §§ 40.73 through 40.75 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 40.77 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated in this part would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(b) It shall be assumed, considering the probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e. g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the airplane may be taken off if an alternate airport is designated which permits compliance with § 40.78.

§ 40.78 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.77: *Provided,* That the airplane can be brought to rest within 70 percent of the effective length of the runway.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; NONTRANSPORT CATEGORY

§ 40.90 *Nontransport category airplane operating limitations.* In operating any large, nontransport category airplane in passenger service, the provisions of §§ 40.91 through 40.94 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Performance data published or approved by the Administrator for each such nontransport category airplane shall be used in determining compliance with the provisions of §§ 40.91 through 40.94.

§ 40.91 *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the take-off configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 40.92 *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided,* That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position,

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 40.93 *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tail-wind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{s_0},

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot; and

(3) The airplane is operating in the standard atmosphere.

§ 40.94 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.93: *Provided,* That the airplane can be brought to rest within 70 percent of the effective length of the runway.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 40.110 *Fire prevention.* All airplanes used in passenger service, powered by engines rated at more than 600 horsepower each for maximum continuous operation and which have not been certificated in accordance with the provisions of Part 4b of this subchapter in effect on or after November 1, 1946, shall comply with the requirements contained in §§ 40.111 through 40.143: *Provided,* That if the Administrator finds that in particular models of existing airplanes literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of these regulations.

§ 40.111 *Susceptibility of materials to fire.* The Administrator shall prescribe the heat conditions and testing procedures which any specific material or individual part must meet where necessary for the purpose of applying the following defined terms: fireproof, fire-resistant, flame-resistant, flash-resistant, and flammable.

§ 40.112 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the following provisions:

(a) Materials shall in no case be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and wastes shall be of fire-resistant material and shall incorporate covers or other provisions for containing possible fires started in the receptacles.

§ 40.113 *Internal doors.* Where internal doors are equipped with louvres or other ventilating means, provision convenient to the crew shall be made for closing the flow of air through the door when such action is found necessary.

§ 40.114 *Ventilation.* All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present. Where partitions between compartments are equipped with louvres or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for closing the flow of air through the louvres or other means when such action is found necessary.

§ 40.115 *Fire precautions.* Each compartment shall be designed so that, when used for the purpose of storing cargo or baggage, it shall comply with all of the requirements prescribed for cargo or baggage compartments. It shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the airplane, unless such item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such item would not create a fire hazard in the compartment. Provision shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment. All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant or better. In addition, all cargo and baggage compartments shall include provisions for safeguarding against fires according to the following classifications:

(a) Cargo and baggage compartments shall be classified in the "A" category, if presence of a possible fire therein can be readily discernible to a member of the crew while at his station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for such compartment.

(b) Cargo and baggage compartments shall be classified in the "B" category, if sufficient access is provided while in flight to enable a member of the crew to move by hand all contents and to reach effectively all parts of the compartment with a hand fire extinguisher. Furthermore, the design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. Each compartment in this category shall be equipped with a separate system of an approved type smoke detector or fire detector to give warning at the pilot or flight engineer station. Hand fire extinguishers shall be readily available for use in all compartments of this category. Compartments in this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(c) Cargo and baggage compartments shall be classified in the "C" category, if they do not conform with the requirements for the "A" or "B" categories. Each compartment of the "C" category shall be equipped with: (1) A separate system of an approved type smoke detector or fire detector to give warning at the pilot or flight engineer station, and (2) an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station. Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from entering into any compartment occupied by the crew or passengers. Ventilation and drafts shall be further controlled within each such cargo or baggage compartment to the extent that the extinguishing agent provided can control any fire which may start within the compartment. All cargo and baggage compartments of this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

§ 40.116 *Proof of compliance.* Compliance with those provisions of § 40.115 which refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in category "C" compartments shall be demonstrated by tests in flight. It shall also be demonstrated during these tests that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 40.117 *Propeller de-icing fluid.* If combustible fluid is used for propeller de-icing, the provisions of § 40.131 shall be complied with.

§ 40.118 *Pressure cross-feed arrangements.* Pressure cross-feed lines shall not pass through portions of the airplane devoted to carrying personnel or cargo unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel and fume-proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 40.119 *Location of fuel tanks.* Location of fuel tanks shall comply with the provisions of § 40.132. In addition, no portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

§ 40.120 *Fuel system lines and fittings.* Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 40.121 *Fuel lines and fittings in designated fire zones.* Fuel lines and fittings in all designated fire zones (see § 40.131) shall comply with the provisions of § 40.134.

§ 40.122 *Fuel valves.* In addition to the requirements contained in § 40.133

for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 40.123 *Oil lines and fittings in designated fire zones.* Oil lines and fittings in all designated fire zones (see § 40.131) shall comply with the provisions of § 40.134.

§ 40.124 *Oil valves.* Requirements of § 40.133 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent feathering the propeller, unless equivalent safety provisions are incorporated. All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 40.125 *Oil system drains.* Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for positive or automatic locking in the closed position. (See also § 40.135.)

§ 40.126 *Engine breather line.* Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system. (See also § 40.135.)

§ 40.127 *Fire walls.* All engines, auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire walls or shrouds, or other equivalent means.

§ 40.128 *Fire-wall construction.* Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the fire wall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or fire-wall fittings. Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(a) Heat and corrosion resistant steel 0.015 inch thick;

(b) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 40.129 *Cowling.* Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard. Cowling, unless otherwise specified by these regulations, shall be constructed of fire-resistant material. Those portions of the cowling which are subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 40.130 *Engine accessory section diaphragm.* Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 40.128.

§ 40.131 *Powerplant fire protection.* Engine accessory sections, installations where no isolation is provided between the engine and accessory compartment, also regions wherein lie auxiliary power units, fuel-burning heaters, and other combustion equipment shall be referred to as designated fire zones. Such zones shall be protected from fire by compliance with §§ 40.132 through 40.135.

§ 40.132 *Flammable fluids.* No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls are such as to provide equivalent safety. Not less than ½ inch of clear air space shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

§ 40.133 *Shutoff means.* Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. In order to facilitate rapid and effective control of fires, such shutoff means shall permit an emergency operating sequence which is compatible with the emergency operation of other equipment, such as feathering the propeller. Shutoff means shall be located outside of designated fire zones, unless equivalent safety is provided (see § 40.132) and it shall be shown that no hazardous quantity of such flammable fluid will drain into any designated fire zone after shutting off has been accomplished. Adequate provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has once been closed.

§ 40.134 *Lines and fittings.* All lines and fittings for same located in designated fire zones which carry flammable fluids or gases and which are under pressure, or which attach directly to the engine, or are subject to relative motion between components, exclusive of those lines and fittings forming an integral part of the engine, shall be flexible, fire-resistant lines with fire-resistant, factory-fixed, detachable, or other approved fire-resistant ends. Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

§ 40.135 *Vent and drain lines.* All vent and drain lines and fittings for same located in designated fire zones and which carry flammable fluids or gases shall comply with the provisions of § 40.134, if the Administrator finds that rupture or breakage of a particular drain or vent line may result in a fire hazard.

§ 40.136 *Fire-extinguishing systems.* (a) Unless it can be demonstrated that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components which would be subjected to flame, fire-extinguishing systems shall be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard.

§ 40.137 *Fire-extinguishing agents.* Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguishing system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire-extinguisher manufacturer or any other party employing satisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 40.138 *Extinguishing agent container pressure relief.* Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 40.139 *Extinguishing agent container compartment temperature.* Precautions shall be taken to assure that the extinguishing agent containers are installed in locations where reasonable temperatures can be maintained for effective use of the extinguishing system.

§ 40.140 *Fire-extinguishing system materials.* All components of fire-extinguishing systems located in designated fire zones shall be constructed of

fireproof materials, except for connections which are subject to relative motion between components of the airplane, in which case they shall be of flexible fire-resistant construction so located as to minimize the possibility of failure.

§ 40.141 *Fire-detector systems.* Quick-acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to assure the detection of fire which may occur in such zones.

§ 40.142 *Fire detectors.* Fire detectors shall be constructed and installed in such a manner as to assure their ability to resist without failure, all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present.

§ 40.143 *Protection of other airplane components against fire.* All airplane surfaces aft of the nacelles in the region of one nacelle diameter on both sides of the nacelle center line shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

§ 40.150 *Control of engine rotation.* All airplanes shall be provided with means for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for completely stopping the rotation need be provided only if the Administrator finds that rotation could jeopardize the safety of the airplane.

§ 40.151 *Fuel system independence.* Airplane fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided for each engine if the Administrator finds that the fuel system incorporates features which provide equivalent safety.

§ 40.152 *Induction system ice prevention.* Means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system shall be provided for all airplanes.

§ 40.153 *Carriage of cargo in passenger compartments.* When operating conditions require the carriage of cargo which cannot be loaded in approved cargo racks, bins, or compartments which are separate from passenger compartments, such cargo may be carried in a passenger compartment if the following requirements are complied with: *Provided,* That the Administrator, under a particular set of circumstances, may authorize deviations from these requirements when he finds that safety will not be adversely affected and that it is in the public interest to carry such cargo:

(a) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(b) It shall be properly secured in the airplane by means of safety belts or other tie-downs possessing sufficient strength to eliminate possibility of shifting under all normally anticipated flight and ground conditions.

(c) It shall not be carried aft of or directly above seated passengers.

(d) It shall not impose any loads on seats or on the floor structure which exceed the designed loads for those components.

(e) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle between the crew and the passenger compartments.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 40.170 *Aircraft instruments and equipment for all operations.* (a) Instruments and equipment required by §§ 40.171 through 40.232 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) The following provisions apply to air-speed limitations, air-speed indicators, and related information:

(1) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(2) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(3) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(4) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to take-off, except as provided in § 40.391 (b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 40.110 and §§ 40.150 through 40.153,

(2) Instruments and equipment specified in §§ 40.171 through 40.178 for all operations, and the instruments and equipment specified in §§ 40.200 through 40.232 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

§ 40.171 *Flight and navigational equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing:

(b) Sensitive altimeter;

(c) Clock (sweep-second);

(d) Free-air temperature indicator;

(e) Gyroscopic bank and pitch indicator (artificial horizon)

(f) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn and bank indicator);

(g) Gyroscopic direction indicator (directional gyro or equivalent),

(h) Magnetic compass; and

(i) Vertical speed indicator (rate-of-climb indicator).

§ 40.172 *Engine instruments for all operations.* The following engine instruments are required for all operations, except that the Administrator may permit or require different instrumentation for turbine-powered airplanes to provide equivalent safety:

(a) Carburetor air temperature indicator for each engine;

(b) Cylinder head temperature indicator for each air-cooled engine;

(c) Fuel pressure indicator for each engine;

(d) Fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control;

(e) Means for indicating fuel quantity in each fuel tank;

(f) Manifold pressure indicator for each engine;

(g) Oil pressure indicator for each engine;

(h) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used;

(i) Oil-in temperature indicator for each engine;

(j) Tachometer for each engine;

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuits from the master warning device; and

(l) Effective July 1, 1956, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

§ 40.173 *Emergency equipment for all operations*—(a) *General.* The emergency equipment specified in paragraphs (b) (c) and (d) of this section is required for all operations. Such equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be so marked as to be readily identifiable.

(b) *Hand fire extinguishers for crew, passenger and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in

accordance with the following requirements:

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of airplanes accommodating more than six but less than 31 passengers. On airplanes accommodating more than 30 passengers, at least two fire extinguishers shall be provided. None need be provided in passenger compartments of airplanes accommodating six or less persons.

(c) *First-aid equipment.* First-aid equipment suitable for treatment of injuries likely to occur in flight or in minor accidents shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the airplane.

(d) *Crash ax.* All airplanes shall be equipped with at least one crash ax.

(e) *Means for emergency evacuation.* After May 31, 1957, on all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: *Provided,* That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) *Interior emergency exit marking.* (1) After May 31, 1957, all emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require manual operation to function, they shall be turned on prior to each night take-off and landing.

§ 40.174 *Seats and safety belts for all occupants.* A seat and an individual safety belt are required for each passenger and crew member, excluding infants, who are in other than a recumbent position during take-off and landing. One safety belt only is required in a berth for one or two persons in a recumbent position during take-off and landing. During flight between take-off and landing, one safety belt is sufficient for two persons occupying a multiple lounge or divan seat.

§ 40.175 *Miscellaneous equipment for all operations.* All airplanes shall have installed the following equipment:

(a) If protective fuses are used, spare fuses of a number approved for the particular airplane and appropriately described in the air carrier manual.

(b) Windshield wiper or equivalent for each pilot station.

(c) A power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using an external power supply in the event of failure of any one power source or component of the power distribution system: *Provided,* That the Administrator may authorize the use of common elements in the power distribution system when he finds that such elements are so designed as to be reasonably protected against mulfunction. Engine-driven sources of energy when used, shall be on separate engines.

(d) Means for indicating the adequacy of the power being supplied to required flight instruments.

(e) Two independent static pressure systems, so vented to the outside atmospheric pressure that they will be least affected by air flow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(f) Means for locking all companionway doors which separate passenger compartments from flight crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be readily available to all crew members. Any door which is the means of access to a required passenger emergency exit shall be placarded to indicate that it must be open during take-off and landing. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

(g) For seaplanes only, anchor light or lights, a warning bell for signaling when not under way during fog conditions, and an anchor adequate for the size of the seaplane.

§ 40.176 *Cockpit check procedure.* The air carrier shall provide for each type of airplane a cockpit check procedure. This procedure shall include all items necessary for flight crew members to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine emergencies. It shall be so designed as to obviate the necessity for a flight crew member to rely upon his memory for items to be checked and shall be readily usable in the cockpit of each airplane.

§ 40.177 *Passenger information for all operations.* All airplanes shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew.

§ 40.178 *Exterior exit and evacuation markings for all operations.* Effective January 1, 1956, exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 40.200 *Instruments and equipment for operations at night.* Each airplane operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 40.171 through 40.178:

(a) Flashing position lights;

(b) After May 31, 1956, an anti-collision light for airplanes having a maximum certificated weight of more than 12,500 pounds;

(c) Two landing lights;

(d) Two class 1 or class 1A landing flares;

(e) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crew members' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;

(f) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing; and

(g) A sensitive altimeter.

§ 40.201 *Instruments and equipment for operations under IFR or over-the-top.* Each airplane operated under IFR or over-the-top shall be equipped with the following instruments and equipment in addition to those required by §§ 40.171 through 40.178:

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) A sensitive altimeter; and

(c) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crew members' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that

nondimming instrument lights are satisfactory.

§ 40.202 *Supplemental oxygen*—(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 40.203, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements. hereinafter set forth, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.

(b) *Crew members.* (1) At altitudes above 10,000 feet, to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the entire flight time at such altitudes.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following standards:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet, a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet, a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 40.203 *Supplemental oxygen requirements for pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure:

(a) *For crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes: *Provided,* That not less than a 2-hour supply of oxygen shall be provided for the flight crew members on flight deck duty. The oxygen supply required by § 40.205 may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amounts of oxygen:

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with § 40.202 (c) (3)

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 40.202 (c) (2), and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 40.202 (c) (2) and (c) (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 40.204 *Equipment standards.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 40.202 shall meet the standards established in § 4b.651 of this subchapter, effective July 20, 1950: *Provided,* That where full compliance with such standards is found by the Administrator to be impractical, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 40.205 *Protective breathing equipment for the flight crew*—(a) *Pressurized cabin airplanes.* Each required flight crew member on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases. Not less than a 300-liter STPD supply of oxygen for each required flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the airplane is flown in accordance with either the normal or emergency procedures approved by the Administrator.

§ 40.206 *Equipment for overwater operations.* (a) The following equipment shall be required for all extended overwater operations:

(1) Life vest or other adequate individual flotation device for each occupant of the airplane;

(2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957, this equipment shall be installed in conspicuously marked approved locations.

(c) After May 31, 1957, a survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.

§ 40.207 *Equipment for operations in icing conditions.* (a) For all operations in icing conditions each airplane shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) For operations in icing conditions at night means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crew members in the performance of their normal functions.

RADIO EQUIPMENT

§ 40.230 *Radio equipment.* Each airplane used in scheduled air transportation shall be equipped with radio equipment specified for the type of operation in which it is engaged. Where two independent radio systems are required by §§ 40.231 and 40.232, each system shall have an independent antenna

installation: *Provided,* That where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 40.231 *Radio equipment for operations under VFR over routes navigated by pilotage.* (a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station (as specified in § 40.34) from any point on the route and other airplanes operated by the air carrier;

(2) Communicate with airport traffic control towers from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point en route by either of two independent systems.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route flown except that no marker beacon receiver or ILS receiver need be provided.

§ 40.232 *Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.* (a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 40.231 (a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation on routes using procedures based on automatic direction finding, only one automatic direction finding system need be installed: *Provided,* That ground facilities are so located and the airplane is so fueled that, in case of failure of the automatic direction finding equipment, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by the use of the remaining airplane radio systems.

(c) During the period of transition from low frequency to very high frequency radio navigational systems, one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigational facility signals: *Provided,* That ground facilities are so located and the airplane is so fueled that in case of failure of either system the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining airplane radio system.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 40.240 *Responsibility for maintenance.* Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

§ 40.241 *Maintenance and inspection requirements.* (a) The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this subchapter, with accepted standards and good practices, and that any airframe, engine, propeller, or appliance released for flight is airworthy.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, engine, propeller, or appliance shall hold an appropriate license or airman certificate.

§ 40.242 *Maintenance and inspection training program.* The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 40.243 *Maintenance and inspection personnel duty time limitations.* All maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month.

AIRMAN AND CREW MEMBER REQUIREMENTS

§ 40.260 *Utilization of airman.* No air carrier shall utilize an individual as an airman unless he holds a valid appropriate airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized.

§ 40.261 *Composition of flight crew.* (a) No air carrier shall operate an airplane with less than the minimum flight crew specified in the airworthiness certificate for the type of airplane and required in this part for the type of operation.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirements shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the air carrier is authorized to operate under instrument conditions or operates airplanes of more than 12,500 pounds maximum certificated weight, the minimum pilot crew shall be 2 pilots.

(d) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified, so that in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

§ 40.263 *Flight engineer* An airman holding a valid flight engineer certificate shall be required on all airplanes certificated for more than 80,000 pounds maximum certificated take-off weight. Such airman shall also be required on all four-engine airplanes certificated for more than 30,000 pounds maximum certificated take-off weight where the Administrator finds that the design of the airplane used or the type of operation is such as to require engineer personnel for the safe operation of the airplane.

§ 40.265 *Flight attendant.* At least one flight attendant shall be provided by the air carrier on all flights carrying passengers in airplanes of 10-passenger capacity or more.

§ 40.266 *Aircraft dispatcher* Each air carrier shall provide an adequate number of qualified dispatchers at each dispatch center to insure the proper operational control of each flight.

§ 40.267 *Assignment of emergency evacuation functions for each crew member* After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.

TRAINING PROGRAM

§ 40.280 *Training requirements.* (a) Each air carrier shall establish a training program sufficient to insure that each crew member and dispatcher used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in scheduled operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper flight crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The initial program shall include at least the appropriate requirements specified in §§ 40.281 through 40.286.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 40.286.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training or flight check shall certify to the proficiency of each crew member and dispatcher upon completion of his training, and such certification shall become a part of the individual's record.

§ 40.281 *Initial pilot ground training.* Ground training for all pilots shall include instruction in at least the following:

(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the regulations of this subchapter with particular emphasis on the operation and dispatching rules and airplane operating limitations;

(b) Dispatch procedures and appropriate contents of the manuals;

(c) The duties and responsibilities of crew members;

(d) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(e) The principles and methods of determining weight and balance limitations for take-off and landing;

(f) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

(g) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions.

§ 40.282 *Initial pilot flight training.* (a) Flight training for each pilot shall include at least take-offs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions.

(b) Flight training for a pilot qualifying to serve as pilot in command shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operations:

(i) At the authorized maximum take-off weight, take-off using maximum take-off power with simulated failure of the critical engine. For transport category airplanes the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1) and climb-out shall be accomplished at a speed as close as possible to the take-off safety speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2,

(ii) At the authorized maximum landing weight, flight in a four-engine airplane, where appropriate, with the most critical combinations of two engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pull-out from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii) and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

§ 40.284 *Initial flight engineer training.* (a) The training for flight engineers shall include at least the instruction specified in § 40.281 (a) through (e).

(b) Flight engineers shall be given sufficient training in flight to become proficient in those duties assigned them by the air carrier. Except for emergency procedures, this training may be accomplished during scheduled flight under the supervision of a qualified flight engineer.

§ 40.286 *Initial crew member emergency training.* (a) The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crew members. At least the following subjects as appropriate to the individual crew member shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Synthetic trainers may be used for training of crew members in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

§ 40.288 *Initial aircraft dispatcher training.* (a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the airplanes used by the air carrier, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Governmental, company, and private agencies to render maximum assistance to an airplane in distress.

(b) Each aircraft dispatcher shall, prior to initially performing the duty of an aircraft dispatcher, satisfactorily demonstrate to the supervisor or ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the air carrier operating certificate;

(2) Appropriate provisions of the air carrier operations specifications, manual, and regulations of this subchapter;

(3) Characteristics of the airplanes operated by the air carrier;

(4) Cruise control data and cruising speeds for such airplanes;

(5) Maximum authorized loads for the airplanes for the routes and airports to be used;

(6) Air carrier radio facilities;

(7) Characteristics and limitations of each type of radio and navigational facility to be used;

(8) Effect of weather conditions on airplane radio reception;

(9) Airports to be used and the general terrain over which the airplanes are to be flown;

(10) Prevailing weather phenomena;

(11) Sources of weather information available;

(12) Pertinent air traffic control procedures; and

(13) Emergency procedures.

§ 40.289 *Recurrent training.* (a) Each air carrier shall provide such training as is necessary to insure the continued competence of each crew member and dispatcher and to insure that each possesses adequate knowledge of and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crew member and dispatcher with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with § 40.302.

(c) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record. In the case of pilots other than pilots in command,

a pilot in command may make such certification.

FLIGHT CREW MEMBER AND DISPATCHER QUALIFICATION

§ 40.300 *Qualification requirements.* (a) No air carrier shall utilize any flight crew member or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of § 40.280 or § 40.289, and §§ 40.301 through 40.310. All pilots serving as pilot in command shall hold appropriate airline transport pilot certificates and ratings. All other pilots shall hold at least commercial pilot certificates and instrument ratings.

(b) Check airmen shall certify as to the proficiency of the pilot in command being examined, as required by §§ 40.302 and 40.303, and such certification shall become a part of the airman's records.

§ 40.301 *Pilot recent experience.* No air carrier shall schedule a pilot to serve as such in scheduled air transportation unless within the preceding 90 days he has made at least 3 take-offs and 3 landings in the airplane of the particular type on which he is to serve.

§ 40.302 *Pilot checks*—(a) *Line check.* Prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily accomplish a line check in one of the types of airplanes normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a scheduled flight between terminals over a route to which the pilot is normally assigned during which the check pilot shall determine whether the individual being checked satisfactorily exercises the duties and responsibilities of pilot in command.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, at least twice each 12 months at intervals of not less than 4 months or more than 8 months, a similar pilot proficiency check shall be given each such pilot. Where such pilots serve in more than one airplane type, the pilot proficiency check shall be given in the larger airplane type at least once each 12 months.

(2) The pilot proficiency check shall include at least the following:

(i) The flight maneuvers specified in § 40.282 (b) (1) except that the simulated engine failure during take-off need not be accomplished at speed V_1,

(ii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided,* That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(c) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type of airplane.

§ 40.303 *Pilot route and airport qualification requirements.* (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with paragraphs (b) (c) and (d) of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be acomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier.

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly Unless impracticable, such entry shall include a landing and take-off under day VFR to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the airport.

(d) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under VFR to permit the qualifying pilot to observe terrain along the route.

§ 40.304 *Maintenance and reestablishment of pilot route and airport qualifications for particular trips.* (a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and shall have complied with the provisions of § 40.303 (d), if applicable.

(b) In order to reestablish pilot route and airport qualifications after absence from a route for a period in excess of 12 months, a pilot shall comply with the appropriate provisions of § 40.303.

§ 40.305 *Competence check; other pilots.* Prior to serving as pilot, and at least twice each 12 months thereafter at intervals of not less than 4 months nor more than 8 months, each pilot not being utilized as pilot in command shall demonstrate that he is capable of flying by instruments. This demonstration may be made to a pilot serving as pilot in command or a check pilot of the air carrier during scheduled flight.

§ 40.307 *Flight engineer qualification for duty.* A flight engineer shall not be assigned to nor perform duties for which he is required to be certificated as a flight engineer unless, within the preceding 6-month period, he has had at least 50 hours of experience as a flight engineer on the type airplane on which he is to serve, or until the air carrier or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all essential current information and operating procedures relating to the type of airplane to which he is to be assigned and is competent with respect to such airplane. This check shall include a check in flight: *Provided,* That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 40.310 *Aircraft dispatcher qualification for duty.* (a) Prior to dispatching airplanes over any route or route segment, an aircraft dispatcher shall be familiar, and the air carrier shall determine that he is familiar, with all essential operating procedures for the entire route and with the airplanes to be used: *Provided,* That where he is qualified only on a portion of such route, he may dispatch airplanes, but only after coordinating with dispatchers who are qualified for the other portions of the route between the points to be served.

(b) An aircraft dispatcher shall not dispatch airplanes in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least one round trip over the particular area on the flight deck of an airplane. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable, but it shall not be necessary for the aircraft dispatcher to make a flight over each route in the area.

FLIGHT TIME LIMITATIONS

§ 40.320 *Flight time limitations.* (a) An air carrier shall not schedule any flight crew member for duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

(1) 1,000 hours in any year,
(2) 100 hours in any month,
(3) 30 hours in any seven consecutive days.

(b) An air carrier shall not schedule any flight crew member for duty aloft for more than 8 hours during any 24 consecutive hours, unless he is given an intervening rest period at or before the termination of 8 scheduled hours of duty aloft. Such rest period shall equal twice the number of hours of duty aloft since the last preceding rest period, and in no case shall the rest period be less than 8 hours.

(c) When a flight crew member has been on duty aloft in excess of 8 hours in any 24 consecutive hours he shall, upon completion of his assigned flight or series of flights, be given at least 16 hours for rest before being assigned any further duty with the air carrier.

(d) Time involved in transportation, not local in character, required of a flight crew member by an air carrier and provided by the air carrier for the purpose of transporting the flight crew member to an airport at which he is required to serve on a flight as a crew member, or from the airport at which he was relieved from duty as a crew member to return to his home station, shall not be considered as part of any required rest period.

(e) Each flight crew member engaged in scheduled air transportation shall be relieved from all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days.

(f) No flight crew member shall be assigned any duty with an air carrier during any rest period prescribed by this part.

(g) A flight crew member shall not be considered to be scheduled for duty in excess of prescribed limitations, if the flights to which he is assigned are scheduled and normally terminate within such limitations, but due to exigencies beyond the air carrier's control, such as adverse weather conditions, are not at the time of departure expected to reach their destination within the scheduled time.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 40.340 *Aircraft dispatcher daily duty time limitations.* (a) The daily duty period for an aircraft dispatcher shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any airplane. He shall remain on duty until all airplanes dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) The following rules will govern the hours of duty for an aircraft dispatcher, except when circumstances or emergency conditions beyond the control of the air carrier require otherwise:

(1) *Maximum consecutive hours of duty.* No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the air carrier for a period of at least 24 consecutive hours during any 7 consecutive days or the equivalent thereof within any one month.

FLIGHT OPERATIONS

§ 40.351 *Operational control.* The air carrier shall be responsible for operational control.

(a) *Joint responsibility of aircraft dispatcher and pilot in command.* The aircraft dispatcher and the pilot in command shall be jointly responsible for the preflight planning, delay, and dispatch release of the flight in compliance with the applicable regulations of this subchapter and operations specifications.

(b) *Responsibility of dispatcher.* The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of instructions and information necessary for the continued safety of the flight.

(2) For the cancellation or redispatch of a flight if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(c) *Responsibility of pilot in command.* The pilot in command shall during flight time be in command of the airplane and crew and shall be responsible for the safety of the passengers, crew members, cargo, and airplane.

NOTE: Interpretation No. 1, 19 F. R. 1758, Mar. 31, 1954, provides as follows:

The Board interprets and construes § 40.351 (c) as conferring on the pilot in command, with respect to matters concerning the operation of the airplane, full control and authority without limitation over all other crew members and their duties during flight time, whether or not he holds a valid certificate authorizing him to perform the duties and functions of such other crew member.

§ 40.352 *Operations notices.* Each air carrier shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 40.353 *Operations schedules.* In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of airplanes with fuel and oil at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of airplane to be flown which shall not exceed the specified cruising output of the airplane engines.

§ 40.354 *Flight crew members at controls.* All required flight crew members shall remain at their respective stations when the airplane is taking off or landing, and while en route except when the absence of one such flight crew member is necessary in connection with his regular duties. All flight crew members shall keep their seat belts fastened when at their respective stations.

§ 40.355 *Manipulation of controls.* No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, except that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorized pilot safety representatives of the Administrator or the Board who are qualified on the airplane and are engaged in checking flight operations, or

(b) Pilot personnel of another air carrier properly qualified on the airplane and authorized by the operating carrier.

§ 40.356 *Admission to flight deck.* For purposes of this section the Administrator shall determine what constitutes the flight deck of an airplane.

(a) In addition to the crew members assigned to a particular airplane, CAA Aviation Safety agents and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck of an airplane.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Aviation Safety agents or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier; and

(4) Certificated airmen of another air carrier who have been authorized by the air carrier concerned to make specific trips over the route.

§ 40.357 *Use of cockpit check procedure.* The cockpit check procedure shall be used by the flight crew for each procedure as set forth in § 40.176.

§ 40.358 *Personal flying equipment.* The pilot in command shall insure that the following equipment is aboard the airplane for each flight:

(a) Appropriate aeronautical charts containing adequate information concerning navigational aids and instrument approach procedures, and

(b) A flashlight in good working order in the possession of each crew member.

§ 40.359 *Restriction or suspension of operation.* When conditions exist which constitute a hazard to the conduct of safe air carrier operations, including airport and runway conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 40.360 *Emergency decisions; pilot in command and aircraft dispatcher* (a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the regulations of this subchapter.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, and which is known to him, he shall advise the pilot in command of such situation. The aircraft dispatcher shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher shall declare an emergency and follow any course of action which he considers necessary under the circumstances.

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate dispatch center shall be kept fully informed regarding the progress of the flight, and within 10 days after the completion of the particular flight a written report of any deviation shall be submitted by the individual declaring the emergency to the Administrator through the air carrier operations manager.

§ 40.361 *Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.* When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Such information shall thereupon be relayed by that station to the appropriate governmental agency.

§ 40.362 *Reporting mechanical irregularities.* The pilot in command shall enter or cause to be entered in the maintenance log of the airplane all mechanical irregularities encountered during flight. He shall, prior to each flight, inspect the log to ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 40.363 *Engine failure or precautionary stoppage.* (a) Except as provided in paragraph (b) of this section, when one engine of an airplane fails or where the rotation of an engine of an airplane is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an airplane having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued;

(2) The availability of the inoperative engine for use;

(3) The altitude, airplane weight, and usable fuel at the time of engine stoppage;

(4) The weather conditions en route and at possible landing points;

(5) The air traffic congestion;

(6) The type of terrain; and

(7) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall immediately notify the proper ground radio station and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operations manager shall, within 7 days after completion of the trip, furnish a copy of this report with his own comments thereon to the Administrator.

§ 40.364 *Instrument approach procedures.* When an instrument approach is necessary, the instrument approach procedures and weather minimums authorized in the operations specifications shall be adhered to.

§ 40.365 *Requirements for air carrier equipment interchange.* (a) Prior to conducting any operations pursuant to an interchange agreement authorized by the Civil Aeronautics Board, the air carrier shall show that:

(1) The procedures proposed for the conduct of such operations by the carriers involved conform with the provisions of this subchapter and with safe operating practices;

(2) All operations personnel involved are familiar with the airplanes and equipment of the air carrier with whom interchange is to be effected, and with the communications and dispatching procedures to be used;

(3) All maintenance personnel involved are familiar with the airplanes and equipment, and the maintenance procedures of the air carrier with whom interchange is to be effected;

(4) The flight crew and the dispatchers involved meet the appropriate route and airport qualifications; and

(5) All airplanes operated are essentially similar to those airplanes of the carrier with whom interchange is to be effected with respect to flight instruments and their arrangement and with respect to the arrangement and motion of controls critical to safety, unless the Administrator determines that adequate training programs have been established to insure that any dissimilarities which might be a potential hazard will be safely overcome by flight crew familiarization.

(b) The pertinent provisions and procedures affecting the carriers involved shall be included in their manuals.

§ 40.370 *Briefing of passengers.* After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after take-off, the briefing on location of the life vests and emergency exists shall be accomplished prior to take-off, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

DISPATCHING RULES

§ 40.381 *Necessity for dispatching authority.* No flight shall be started without specific authority from an aircraft dispatcher, except when an airplane has landed at an intermediate airport specified in the original dispatch release and has remained there for one hour or less.

§ 40.382 *Familiarity with weather conditions.* No aircraft dispatcher shall release a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 40.383 *Facilities and services.* The dispatcher shall furnish to the pilot in command all available current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight. He shall also furnish the pilot, while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 40.384 *Airplane equipment required for dispatch.* All airplanes dispatched

shall be airworthy and shall be equipped in accordance with the provisions of § 40.170.

§ 40.385 *Communications and navigational facilities required for dispatch.* No airplane shall be dispatched over any route or route segment unless the communications and navigational facilities required by §§ 40.34 and 40.36 are in satisfactory operating condition.

§ 40.386 *Dispatching under VFR.* Airplanes shall be dispatched for operation under VFR only if the appropriate weather reports and forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the dispatch release.

§ 40.387 *Dispatching under IFR or over-the-top.* Airplanes shall be dispatched for operation under IFR or over-the-top only if the appropriate weather reports and forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched indicate that the ceilings and visibilities will be at or above the minimums approved by the Administrator at the estimated time of arrival thereat.

§ 40.388 *Alternate airport for departure.* (a) If the weather conditions at the airport of take-off are below the approved landing minimums for that airport, no airplane shall be dispatched from that airport unless an alternate airport located with respect to the airport of take-off as follows is specified in the dispatch release: *Provided,* That such alternate need not be selected if the ceiling and visibility respectively at the take-off airport are at least 300 feet and one mile, 400 feet and three-quarters mile, or 500 feet and one-half mile:

(1) *Airplanes having 2 or 3 engines.* Alternate airport located at a distance no greater than one hour of flying time in still air at normal cruising speed with one engine inoperative.

(2) *Airplanes having 4 or more engines.* Alternate airport located at a distance no greater than 2 hours of flying time in still air at normal cruising speed with one engine inoperative.

(b) The alternate airport weather requirements shall be those specified in § 40.390.

(c) All required alternate airports shall be listed in the dispatch release.

§ 40.389 *Alternate airport for destination; IFR or over-the-top.* (a) For all IFR or over-the-top operations there shall be at least one alternate airport designated for each airport of destination and, when the weather conditions forecast for the destination and first alternate are marginal, at least one additional alternate airport: *Provided,* That no alternate need be designated when, for the period two hours before to two hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least three miles.

(b) The alternate airport weather requirements shall be those specified in § 40.390.

(c) All required alternate airports shall be listed in the dispatch release.

§ 40.390 *Alternate airport weather minimums.* An airport shall not be specified in the dispatch release as an alternate airport unless the weather conditions existing there at the time of dispatch are equal to or above the ceiling and visibility minimums approved for such airport when using it as an alternate, and the appropriate weather reports and forecasts, or a combination thereof, indicate that the weather conditions will be at or above such minimums until the flight shall arrive thereat. The weather minimums at such alternate airport shall not be less than one of the following and in no event less than the corresponding minimums specified for the airport when used as a regular airport: *Provided,* That the Administrator may approve higher or lower minimums at particular airports where the safe conduct of flight requires or permits, considering the character of the terrain being traversed, the meteorological service and navigational facilities available, and other conditions affecting flight.

(a) An airport served by an approved radio navigational facility and either an instrument landing system or a ground control approach system which the carrier has been authorized to use: Ceiling 800 feet and visibility of one mile; or ceiling 700 feet and visibility of 1½ miles; or ceiling 600 feet and visibility of two miles;

(b) An airport served by an approved radio navigational facility: Ceiling 1,000 feet and visibility of one mile; or ceiling 900 feet and visibility of 1½ miles; or ceiling 800 feet and visibility of two miles;

(c) An airport not served by an approved radio navigational facility: If overcast, ceiling 1,000 feet above the minimum en route instrument altitude applicable to the route to such alternate airport and visibility of two miles; if broken clouds, ceiling 1,000 feet above the elevation of the airport and visibility of two miles.

§ 40.391 *Continuance of flight; flight hazards.* (a) No airplane shall be continued in flight toward any airport to which it has been dispatched when, in the opinion of the pilot in command or the aircraft dispatcher, the flight cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation as set forth in § 40.360.

(b) If any item of equipment required pursuant to the regulations of this subchapter for the particular operation being conducted becomes unserviceable en route, the pilot in command shall comply with the procedures specified in the manual for such occurrence: *Provided,* That the Administrator may authorize the incorporation in the air carrier manual of procedures for the continued operation of an airplane beyond a scheduled terminal where he finds that, in the particular circumstances of the case, literal compliance with this requirement is not necessary in the interest of safety.

§ 40.392 *Operation in icing conditions.* (a) An airplane shall not be dispatched, en route operations continued, or landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

§ 40.393 *Redispatch and continuance of flight.* (a) Any regular, provisional, or refueling airport the use of which is authorized for the type of airplane to be operated may be specified as a destination for the purpose of original dispatch.

(b) An airport specified as a destination or alternate for the purpose of original dispatch may be changed en route to another airport which is authorized for the type of airplane to be operated, provided that the appropriate requirements of §§ 40.381 through 40.409 and § 40.70 or § 40.90 are met at the time of redispatch.

(c) No flight shall be continued to any airport to which it has been dispatched unless the weather conditions at an alternate airport specified in the dispatch release remain at or above the minimums specified for such airport when used as an alternate: *Provided,* That the dispatch release may be amended en route to include any approved alternate airport lying within the fuel range of the airplane as specified in §§ 40.396 and 40.397.

(d) When the dispatch release is amended while the airplane is en route, such amendments shall be made a matter of record.

§ 40.394 *Dispatch to and from provisional airport.* (a) No aircraft dispatcher shall dispatch an airplane to a provisional airport unless such airport complies with all of the requirements of this part pertinent to regular airports.

(b) Dispatch from a provisional airport shall be accomplished in accordance with the same regulations governing dispatch from a regular airport.

§ 40.395 *Take-offs from alternate airports or from airports not listed in the operations specifications.* No airplane shall take off from an alternate airport or from an airport which is not listed in the air carrier operations specifications unless:

(a) Such airport and related facilities are adequate for the operation of the airplane;

(b) In taking off it is possible to comply with the applicable airplane operating limitations;

(c) The weather conditions at that airport are equal to or better than those prescribed for such airport; and

(d) The airplane is dispatched in accordance with all dispatching rules applicable to operation from an approved airport.

§ 40.396 *Fuel supply for all operations.* No airplane shall be dispatched unless it carries sufficient fuel:

(a) To fly to the airport to which dispatched, and thereafter·

(b) To fly to and land at the most distant alternate for the airport to which dispatched where such alternate is required, and thereafter·

(c) To fly for a period of at least 45 minutes at normal cruising consumption.

§ 40.397 *Factors involved in computing fuel required.* In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, and any other conditions which might delay the landing of the airplane. Required fuel shall be additional to unusable fuel.

§ 40.405 *Take-off and landing weather minimums; VFR.* Irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under VFR when the reported ceiling or ground visibility is less than specified below· *Provided,* That where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for both day and night operations may be reduced to one-half mile, if all turns after take-off and prior to landing and all flight beyond a mile from the airport boundary can be accomplished above or outside, the area so restricted.

(a) For day operations: 1,000-foot ceiling and one-mile visibility·

(b) For night operations: 1,000-foot ceiling and two-mile visibility.

§ 40.406 *Take-off and landing weather minimums; IFR.* (a) Except as provided in paragraphs (c) and (d) of this section, irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under IFR when the reported ceiling or ground visibility is less than that approved for the airport when used as a regular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest weather report furnished by a source authorized in accordance with the provisions of § 40.35 indicates the ceiling or visibility is less than the landing minimum approved for the airport when used as a regular airport.

(c) An instrument approach procedure may be executed when the weather report indicates that the ceiling or visibility is less than approved minimum for landing, if the airport is served by ILS and PAR in operative condition and both are used by the pilot, and thereafter a landing may be made, if weather conditions equal to or better than the prescribed minimums are found to exist by the pilot in command upon reaching the authorized landing minimum altitude.

(d) If an instrument approach procedure is initiated when the current U. S. Weather Bureau report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on GCA final approach and has been turned over to the final approach controller, such ILS, Range, or GCA approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

§ 40.408 *Flight altitude rules.* Except when necessary for take-off and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this section, in addition to the applicable provisions of § 60.17 of this subchapter, shall govern air carrier operations: *Provided,* That other altitudes may be established by the Administrator for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.

(a) *Day VFR passenger operations.* No airplane engaged in passenger operations shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations including over-the-top.* No airplane shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of five miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of five miles from the center of the course intended to be flown: *Provided,* That in VFR operations at night in such mountainous areas airplanes may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle: *And provided further* That in the case of high-altitude operations, the minimum altitude shall be not less than 2,000 feet above the elevation of the highest ground within 25 miles of the intended track: *And provided further* That adherence to a minimum flight altitude will not be required during the time a flight is proceeding in accordance with paragraph (c) of this section.

(c) *Daytime over-the-top operations below minimum en route altitudes.* Over-the-top operations may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

(1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover shall be generally uniform and level;

(3) Flight visibility shall be at least five miles;

(4) The base of any higher broken or overcast cloud cover shall be generally uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

§ 40.409 *Altitude maintenance on initial approach.* (a) When making an initial approach to a radio navigational facility under IFR (excluding over-the-top conducted in accordance with the provisions of § 40.408 (c)), an airplane shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established;

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 40.408 (c), a pilot shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the airplane shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

§ 40.411 *Preparation of dispatch release.* A dispatch release shall be prepared for each flight between specified points from information furnished by the authorized aircraft dispatcher. This release shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 40.412 *Preparation of load manifest.* The air carrier shall be responsible for the preparation and accuracy of a load manifest form prior to each take-off. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of airplanes and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 40.500 *Records.* Each scheduled air carrier shall maintain records and submit reports in accordance with the requirements of §§ 40.501 through 40.511. All records shall be retained for the period specified in Part 249 of Subchapter B of this chapter (Economic Regulations), unless otherwise specified in §§ 40.501 through 40.511.

§ 40.501 *Crew member and dispatcher records.* Each air carrier shall maintain current records of every crew member and aircraft dispatcher. These records shall contain such information concerning the qualifications of each such crew member and dispatcher as is necessary to show compliance with the appropriate requirements of the regulations of this subchapter, e. g., proficiency and route checks, airplane qualifications, training, physical examinations, and flight time records. The disposition of any flight crew member or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or pro-

fessionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least three months.

§ 40.502 *List of airplanes.* Each air carrier shall maintain a current list of all airplanes being operated by it in scheduled air transportation: *Provided,* That airplanes of another air carrier being operated in accordance with an interchange agreement may be incorporated by reference.

§ 40.503 *Dispatch release form.* (a) The dispatch release may be in any form but shall contain at least the following information with respect to each flight:

(1) Identification number of the airplane to be used, and the trip number;

(2) Airport of departure, intermediate stops, destination, and alternates therefor;

(3) Minimum fuel supply·

(4) Type of operation, e. g., IFR, VFR.

(b) The dispatch release shall contain, or have attached thereto, weather reports, available weather forecasts, or a combination thereof, for the destination, intermediate stops, and alternates specified therein which shall be the latest available at the time the dispatch release is signed by the pilot in command and dispatcher. It shall include such additional weather reports and forecasts, as available, considered necessary or desirable by the pilot in command and aircraft dispatcher.

§ 40.504 *Load manifest.* (a) The load manifest shall contain at least the following information with respect to the loading of an airplane at the time of take-off:

(1) The weight of:

(i) Airplane,

(ii) Fuel and oil,

(iii) Cargo, including mail and baggage, and

(iv) Passengers;

(2) The maximum allowable weight applicable for the particular flight;

(3) The total weight computed in accordance with approved procedures;

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the airplane and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

§ 40.505 *Disposition of load manifest, dispatch release form, and flight plans.* Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, the dispatch release form, and the flight plan shall be in the possession of the pilot in command and shall be carried in the airplane to its destination. Copies also shall be kept for at least 60 days.

§ 40.506 *Maintenance records.* (a) Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, engines, propellers, and, where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of component parts is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. The Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) An airplane component, engine, propeller, or appliance for which complete records are not available may be placed in service, provided that:

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section,

(2) Parts which are limited by the Administrator or manufacturer to a specific service time are retired and replaced by new parts, and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 40.507 *Maintenance log.* A legible record shall be made in the airplane's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, engines, propellers, and appliances critical to the safety of the flight. The air carrier shall establish an approved procedure for retaining an adequate number of such records in the airplane in a place readily accessible to the flight crew and shall incorporate such procedure in the air carrier manual. The maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe and engines.

§ 40.508 *Daily mechanical reports.* (a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in an airplane or airplane component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any airplane, a report shall be made of such failure, malfunctioning, or other defect to the Administrator. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock midnight of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as is available on the first daily report following such incidents:

(1) Type and CAA identification number of the airplane, name of air carrier, and date;

(2) Emergency procedure effected: unscheduled landing, dumping fuel, etc.,

(3) Nature of condition: fire, structural failure, etc.,

(4) Identification of part and system involved, including the type designation of the major component;

(5) Apparent cause of trouble: wear, cracks, design deficiency, personnel error, etc.,

(6) Disposition: repaired, replaced, airplane grounded, etc.,

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in paragraph (a) of this section. When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 40.509 *Mechanical interruption summary report.* Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the airplane type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the airplane on which the propeller is installed. Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported.

§ 40.510 *Alteration and repair reports.* Reports of major alterations or repairs of airframes, engines, propellers, and appliances shall be made available to the Administrator promptly upon completion of such alterations or repairs.

§ 40.511 *Maintenance release.* When an airplane is released by the maintenance organization to flight operations, a maintenance release or appropriate entry into the maintenance log certifying that the airplane is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such airplane. If a maintenance release form is prepared, a copy shall be given to the pilot in command. An appropriate record shall be kept for at least 60 days.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 55-10813; Filed, Dec. 30, 1955; 10:35 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 48[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 371.13 *General licenses Ship Stores, Plane Stores, Crew, and Registered Carrier Stores* is amended in the following particulars:

a. Subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products* of paragraph (a) *General license Ship Stores* is amended to read as follows:

(2) *Restrictions on the exportation of petroleum and petroleum products.* No exportation of petroleum and other petroleum products (including those used as bunker fuel) listed in paragraph (a) (3) below may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at Macao or a Far Eastern Communist port during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at Macao or a Far Eastern Communist port within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next 120 days commodities, of any origin, known by the owner, master, or agent to be destined directly or indirectly to these ports, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered in any Subgroup A country, or is controlled by, or under charter to, any Subgroup A country or a national of a Subgroup A country.

b. The note at the end thereof is deleted.

c. Subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft* of paragraph (b) *General license PLANE STORES* is amended to read as follows:

(2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft.* No exportation of petroleum or petroleum products (including those used as fuel) listed in paragraph (a) (3) above may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft if the aircraft (i) has called at Macao or any point under Far Eastern Communist control during the 180 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (ii) will call at Macao or any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the plane, (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to Macao or any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered or documented in any Subgroup A country or is controlled by, or under charter to, any Subgroup A country or a national of any Subgroup A country.

d. The note at the end thereof is deleted.

2. Section 371.21 *General license GIFT; shipments of gift parcels* is amended in the following particulars:

a. Paragraph (c) (2) *Commodity limitations* is amended by deleting the words "(other than Gamma Globulin, Schedule B No. 812100)"

b. The note following paragraph (c) (3) *Dollar-value limitations* is amended to read as follows:

NOTE: The above commodity listing serves only to identify those medicinal and pharmaceutical preparations in dosage form, the shipment of which is restricted to $25 under general license GIFT. Any medicinal or pharmaceutical preparation in dosage form not listed in the above paragraph may be included in a gift parcel up to a dollar value of $50.

3. Section 373.71 *Supplement 1, Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

FOURTH QUARTER OF 1955 AND FIRST QUARTER OF 1956

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter, 1955	First quarter, 1956
630050	Aluminum scrap (new and old)	Before Dec. 16, 1955.	
630070	Aluminum remelt ingots		
641300	Copper scrap (new and old) containing 40 percent or more copper.		
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper.		
644100	Copper-base alloy ingots and other crude forms	Before Dec. 1, 1955.	
619159	Selenium powder	Sept. 1-15, 1955	Dec. 1-15, 1956
622098	Ferroselenium		
664998	Selenium metal, except selenium-bearing scrap materials		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.		
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide		
842900	Selenium-containing pigments		
619159	Nickel powder, pure	Jan. 3-24, 1956	
654502	Nickel anodes, cast and rolled, and nickel and nickel alloy shot.		

NOTES

1. Return of unused quotas: As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitive quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce.

2. Where no filing dates are announced: Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)).

3. Intransit shipment: Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

4. Section 382.51 *Supplement 1, Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended by deleting the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Abbaddie, Adolfo A., Jr., T/a Ace Export Co., 2991 SW 14th St., Miami, Fla.	(10-28-54)	(10-28-55)*	General and validated licenses, all commodities, any destination, also exports to Canada. (On probation for entire period 10-28-54—10-28-55).	19 F.R. 7392, 11-10-54.
Ace Export Co., 2991 SW 14th St., Miami, Fla.	(10-28-54)	(10-28-55)*	do	19 F.R. 7392, 11-10-54.
Alvarez, Gabino, Alvarez, Manuel, officers of Laminadoras Unidas, S. A., Av. Ferrocarril No. 9, Col., Moctezuma, Mexico, D. F., Mexico.	10-7-54	4-7-55 (10-7-55).	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 6533, 10-9-54.
Chang, William O., 3611 Sacramento St., San Francisco, Calif.	8-2-54	10-12-54 (7-20-55).*	do	19 F.R. 4972, 8-6-54. 19 F.R. 6693, 10-15-54.
Dixie Auto Parts, Dixie Export Co., 1630 NW. 20th St., Miami, Fla.	10-25-54	11-14-54 (10-24-55).*	General and validated licenses, all commodities, any destination, also exports to Canada, including acting as freight forwarder for others.	19 F. R. 6913, 10-22-54.

[1] This amendment was published in Current Export Bulletin No. 759, dated December 22, 1955.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Dixie Auto Parts, Dixie Export Co., 1030 NW 20th St, Miami Fla	11-15-54	2-0-55.. ..... (10-24-55) *	General and validated licenses, commodities, any destination, also exports to Canada, except acting as freight forwarder for others which privilege is re restored automatically on 11-15-54.	19 F. R. 6813, 10-22-54,
Eastern Distributors & Forwarders Corp, 745 5th Ave, New York, N Y	(0-0 55)	(12-8-55)*	General and validated licenses, all commodities, any destination also exports to Canada (On probation for entire period 0-0-55—12-8-55.)	20 F. R. 4101, 6-15 55
Echeverria, Pedro, officer of Hierros Laminados, S. A, Av Henry Ford No. 3309, Col Bondojito, Villa G. A Madero, Mexico, D. F. Mexico.	10-7-54	4-7-55. ..... (10 7-55) *	General and validated licenses, all commodities, any destination, also exports to Canada	19 F. R. 6533, 10 9 54
Eckstein, Samuel, officer of Laminadora Atzcapotzalco S A., 123 Poniente No. 665 Atzcapotzalco, D. F. Mexico.	10-22-54	4-22-55. ..... (10-22-55) *	do	19 F. R 6954, 10-28-54
Friedman, Samuel L., Friedman, Saul L., officers of Orchard Refining & Smelting Works, Inc., 9-37 Victoria St., Newark, N. J	4-19-55	10-19-55	do	20 F. R. 2741, 4-23-55
Hierros Laminados, S. A, Av Henry Ford No. 3309, Col Bondojito Villa G. A Madero, Mexico D. F, Mexico.	10- 7-54	4-7-55. ..... (10-7-55) *	..do --	19 F. R. 6533, 10-9-54
Jaglelski, Otto, officer of Laminadora Atzcapotzalco S. A, 123 Poniente No. 665, Atzcipotzalco, D. F., Mexico.	10-22-54	4-22-55. ..... (10 22-55) *	do	19 F. R. 6954, 10 28-54
Kanner, Abraham, officer of Laminadora Atzcapotzalco, S. A., 123 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10-22-54	4-22-55. ..... (10-22-55) *	do -- --	19 F. R. 6954, 10-28-54
Laminadora Atzcapotzalco, S. A., 123 Poniente No. 665 Atzcapotzalco, D. F, Mexico	10-22-54	4 22-55. ..... (10 22-55) *	do..	19 F. R. 6954 10 28-54
Laminaderas Unidas, S. A., Av Ferrocarril No. 0, Col. Moctezuma, Mexico D. F. Mexico.	10- 7-54	4-7-55. ..... (10-7-55) *	do --	19 F. R. 6533, 10-9-54
Llamosas, Jose, officer of Hierros Laminados S. A., Av. Henry Ford No 3309, Col Bondojito, Villa G. A. Madero, Mexico, D. F., Mexico.	10- 7-54	4 7-55. ..... (10-7 55) *	do..... --	19 F. R. 6533, 10 9-54
Maghamez, Jean B., Khan Villogreco, Aleppo, Syria.	0-0-55	12-8 55	do.....	20 F. R. 4100, 6-15-55
McGuire, Frances D., 745 5th Ave, New York N. Y.	0-0-55	10-8-55	do ---	20 F. R. 4101, 6-15-55
Miller, Irving H. and t/a Dixie Auto Parts Dixie Export Co., Parts Sales Co, 1030 NW 20th St, Miami, Fla	10-25-54	11-14 54 ..... (10-24 55) *	General and validated licenses, all commodities, any destination, also exports to Canada; including acting as freight forwarder for others.	19 F. R. 6813, 10-22 54
	11-15-54	2-0-55.. ..... (10 24 55) *	General and validated licenses, all commodities, any destination, also exports to Canada; except acting as freight forwarder for others which privilege is restored automatically on 11-15-54.	19 F. R. 6813, 10 22 54
Orchard Refining & Smelting Works, Inc, 9-37 Victoria St, Newark, N. J	4 10-55	10-10-55	General and validated licenses, all commodities, any destination, also exports to Canada	20 F. R. 2741, 4 23 55
Parts Sales Co., 1030 NW 20th St, Miami, Fla	10-25-54	11-14 54 ..... (10 24 55) *	General and validated licenses, all commodities, any destination, also exports to Canada; including acting as freight forwarder for others.	19 F. R. 6813, 10-22 54
	11-15-54	2-0-55.. ..... (10 24 55) *	General and validated licenses, all commodities, any destination, also exports to Canada; except acting as freight forwarder for other which privilege is restored automatically on 11-15-54	19 F. R. 6813, 10-22-54
Reyes Zamudio, Federico, 128 Poniente No. 665, Atzcapotzalco D. F., Mexico.	10-22-54	4-22-55. ..... (10-22-55) *	General and validated licenses, all commodities, any destination, also exports to Canada	19 F. R. 6954, 10-28-54
Siderurgica y Laminacion, S. A., Km 12½ Carretera Mexico-Pachuca, Santa Clara, Mexico, Mexico	10- 2-54	4-22 55. ..... (10-22-55) *	General and validated licenses, all commodities, any destination, also exports to Canada (Related to Reyes Zamudio, Federico and Verduzco Valdes Manuel, which see)	19 F. R. 6954 10-28-54
Verduzco Valdes, Manuel, 128 Poniente No. 665 Atzcapotzalco D. F Mexico.	10-22-54	(10-22-55)*	General and validated licenses, all commodities, any destination, also exports to Canada	19 F. R. 6954, 10-28-54
White, Luis Navarro, officer of Laminadora Atzcapotzalco, S A., 123 Poniente No. 665, Atzcapotzalco D. F, Mexico.	10-22-54	4-22-55. ..... (10-22-55) *	do	19 F. R. 6954, 10-28-54
Willys Overland Export Corp, Toledo, Ohio	0- 0-55	(12-8-55)*	General and validated licenses, all commodities, any destination also exports to Canada. (On probation for entire period 0-0-55—12-8-55).	20 F. R. 4101, 6-15-55
Wolfers, Roger, Toledo, Ohio	0- 0-55	12-8-55	General and validated licenses, all commodities, any destination, also exports to Canada	20 F. R. 4101, 6-15-55

This amendment shall become effective as of December 22, 1955

(Sec 3, 63 Stat 7 as amended; 50 U S C App 2023 E O 9630 10 F R 12245 3 CFR, 1945 Supp E O 9919, 13 F R 59, 3 CFR 1948 Supp)

LORING K MACY
Director,
Bureau of Foreign Commerce

[F R Doc 55-10472; Filed Dec 30 1955; 8:49 a m]

[7th Gen Rev of Export Regs Amdt P L. 25 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399 1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1 The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No	Commodity	Unit	Processing code and related commodity group	GLV dollars value limits	Validated license required
610169	Metal powders: Boron	Lb	MINL	100	RO
604999	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name): Boron metal (including grains), and other metals containing 10 percent or more boron.	Lb	MINL	100	RO
770990	Pumping Equipment, n. e. c. (specify type of pump by generic name according to following classifications): Ion Vacuum Pumps [1]	No	GIEQ 1	None	RO
820297	Weed killers consisting primarily of boron compounds (e g , borates, borax) [1]	Lb	SALT	100	RO

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No 759, dated December 23, 1955

Dept. of Commerce Schedule B No	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
930800	Self-contained diving and under-water swimming apparatus and specially fabricated accessories and parts, n. e. c. (report self-contained diving and underwater swimming apparatus manufactured to military specifications and specially fabricated parts therefor, in 999960).[3]		SATE	50	RO
999960	Self-contained diving and underwater swimming apparatus manufactured to military specifications, and specially fabricated parts therefor (report other self-contained diving and underwater swimming apparatus and specially fabricated parts in 930800) [3]		SATE	50	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2) effective Feb. 6, 1956, is subject to DL restrictions (see § 374 2), is excepted from the Time Limit licensing procedure (see Part 377), may not be exported under the provisions of General License GIT (see § 371.9 (c)) effective Jan 21, 1956 and may not be exported under General License GLV (see § 371 10 (c)).

[2] This commodity may be exported under the Periodic Requirements licensing procedure (see Part 376) or the Foreign Distribution licensing procedure (see Part 378)

[3] This commodity is subject to the IC/DV procedure (see § 373 2) effective Feb 6 1956, and may be exported under General License GLV to R and O destinations only within the dollar-value limit specified on the Positive List (see § 371 10 (c))

This part of the amendment shall become effective as of 12:01 a m December 29 1955

2 The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No	Commodity
	Motors and controls, n e c, and parts (report autosyns selsyns and other synchronous transmission systems in 709998):
704330	Electric propulsion motors, generators and controls for turbine locomotives, general service (line), switching and industrial, of a gauge greater than 4 feet 8 inches (1 42 m) or with an individual axle load greater than 12 metric tons
	Electronic detection and navigational apparatus and specially fabricated parts n e c (report spare and replacement tubes in 707803–707830):
708410	Doppler equipment, and specially fabricated parts, n. e c.
	Power-driven metalworking machine tools (nonportable) and parts:
43500	Tank turret bearing grinding machines.
	Processing vessels non-mixing n e c and specially fabricated accessories and parts, n e c (specify by name):
775330	Processing vessels suitable for the production of military explosives and specially fabricated parts n. e. c.
	Biological products (all forms):
812100	Gamma-globulin human (immune serum globulin poliomyelitis immune globulin etc)

This part of the amendment shall become effective as of 12:01 a m, December 22, 1955

3. The revised entries set forth below are substituted for entries presently on the Positive List Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept of Commerce Schedule B No	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Abrasives (report abrasive refuse in 596008):				
541140	Boron carbide [16]	Lb	MINL 1	100	RO
	Abrasive products (report abrasive refuse in 596008; and diamond compounds in 540910):				
541400	Honing abrasive stones for use on power-driven metal working machines, and made of, or incorporating grains of silicon carbide boron carbide or fused aluminum oxide [1]	Lb	TOOL 2	500	R
541820	Abrasive paper, cloth, or combinations thereof, coated with silicon carbide or aluminum oxide, when the largest dimension exceeds 12 inches (Reduce different sizes of sheets, pads, rolls disks, or belts to reams of 480 standard sheets, 9 x 11 inches.) [1]	Ream	TOOL	500	R
599005	Diamonds suitable only for industrial use, n. e c [3]	Carat	CDGS	None	RO
599010	Diamonds rough or uncut suitable for cutting into gem stones.[3]	Carat	CDGS	None	RO
599098	Diamond bearings. (1) [3 19]	Carat	CDGS	None	RO
	Electronic detection and navigational apparatus, and specially fabricated parts, n. e. c. (report spare and replacement tubes in 707803–707830):				
708410	Electronic detection and navigational apparatus n. e c, designed for use at frequencies of 600 mega cycles and over. (2) [18]		RARA 52	100	RO
	Size measuring machines and instruments n e c and specially fabricated parts, n. e. c:				
766093	Instruments or devices capable of controlling the dimensions of a rolled product during its production; and specially fabricated parts, n. e. c.[22]		TOOL	250	RO
	Chemical and pharmaceutical processing and manufacturing machines, n e c., and specially fabricated parts, n. e. c. (report spinning pumps in 770980; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals 707415):				
775055	Dehydration presses, double opposed hydraulic ram type. (12) [23]		GIEQ 2	250	RO
775055	Extrusion presses hydraulic ram and closure type (12) [23]		GIEQ 2	250	RO
775055	Powder cutting machines, with feed rolls geared to rotating cutter blades. (12) [23]		GIEQ 2	250	RO
775055	Sweetie barrels, revolving type 5 feet or more in maximum diameter (12) [23]		GIEQ 2	250	RO
824000	Water softeners or purifiers, chief component ion exchange resins [18]	Lb	RESN 66	100	RO
	Plastics and resin materials:				
	Synthetic resins, n. e. c, in all unfinished forms, including scrap except laminated and except film and sheeting:				
825920	Polytetrafluoroethylene (e. g Teflon) (1)[1]	Lb	RESN	25	RO
825920	Polytrifluorochloroethylene (2)[1]	Lb	RESN	25	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Plastic film and sheeting, including printed, embossed, plumshed or otherwise treated surface:				
825980	Polytetrafluoroethylene (e. g., Teflon). (1)[1]	Lb.	RESN	25	RO
825980	Polytrifluorochloroethylene. (2)[1]	Lb.	RESN	25	RO
	Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder, including all shapes solely made therefrom:				
826050	Polytetrafluoroethylene (e. g., Teflon). (1)[1]	Lb.	RESN	25	RO
826050	Polytrifluorochloroethylene. (2)[1]	Lb.	RESN	25	RO
	Organo-fluorine compounds (specify by name):				
832985	Trifluoromonochloroethylene. (1)[1]	Lb.	SALT 1	25	RO
	Organic chemicals not of coal-tar origin, n. e. c. (specify by name):				
832990	Tetrafluoroethylene. (6)[1]	Lb.	SALT 1	25	RO
836220	Boric acid and borates, crude, refined, and compounds, except sodium perborate (including but not limited to boron trifluoride, boron oxide, boron hydrides, and fluoroborates.) (1 and 2) [2] [24]	Lb.	SALT	100	RO
843800	Polytetrafluoroethylene (e. g., Teflon) finishes and enamels. (1) [1]	Gal.	PLAT	25	RO
843800	Polytrifluorochloroethylene dispersion. (2) [1]	Gal.	PLAT	25	RO
	Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment (report plastics and resin materials in unfinished forms in 825100–825920).				
931590	Manufactures of polytrifluorochloroethylene. (2) [1]	----------	COTA	25	RO
931590	Manufactures of polytetrafluoroethylene (e. g., Teflon) (1) [1]	----------	COTA	25	RO

[1] The GLV dollar-value limit is increased.
[2] The processing code is changed or related commodity group number is changed (see § 372.5 (f)).
[7] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2), and is no longer excepted from the Time Limit licensing procedure (see Part 377).
[10] The destination control is changed from R to RO, effective Dec. 29, 1955.
[13] The commodity description is revised without change in coverage.
[19] The unit of quantity is changed.
[22] The commodity coverage is increased, effective Dec. 29, 1955.
[23] Four entries are substituted for the twelfth entry presently on the Positive List under Schedule B No. 775055, with a decrease in coverage.
[24] Sodium perborate is deleted, boron trifluoride, formerly separately listed, may now be exported under the Periodic Requirements licensing procedure (see Part 374), and may be exported to Group O destinations under General License GLV within the $500 dollar-value limit (see § 371.10 (c)).

This part of the amendment shall become effective as of December 22, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in parts 1 or 3 of this amendment, which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., December 29, 1955 may be exported under the previous general license provisions up to and including January 21, 1956. Any such shipment not laden aboard the exporting carrier on or before January 21, 1956 requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director
Bureau of Foreign Commerce.

[F. R. Doc. 55-10473; Filed, Dec. 30, 1955; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.275]

PART 1—CERTIFICATES OF AUTHENTICATION

Pursuant to the authority contained in R. S. 161, 5 U. S. C. 22; R. S. 203, 5 U. S. C. 158; section 1 of the act of June 25, 1948, 62 Stat. 946, 28 U. S. C. 1733; section 4 of the act of May 26, 1949, 63 Stat. 111, 5 U. S. C. 151c; and sections 104 and 332 of the act of June 27, 1952, 66 Stat. 174 and 253, 8 U. S. C. 1104 and 1443; the following sections are authorized for publication:

Sec.
1.1 Certification of documents.
1.2 Refusal of certification for unlawful purpose.

AUTHORITY: §§ 1.1 and 1.2 issued under R. S. 161, 203, 62 Stat. 946, sec. 4, 63 Stat. 111, secs. 104, 332, 66 Stat. 174, 253; 5 U. S. C. 22, 158, 28 U. S. C. 1733, 5 U. S. C. 151c, 8 U. S. C. 1104, 1443.

§ 1.1 *Certification of documents.* The Authentication Officer or the Acting Authentication Officer may, and is hereby authorized to, sign and issue certificates of authentication under the seal of the Department of State for and in the name of the Secretary of State or the Acting Secretary of State. The form of authentication shall be as follows:

In testimony whereof, I, ----------, Secretary of State have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at ----------, in ----------, this ---------- day of ----------, 19----.

(Secretary of State)
By ----------
(Authentication Officer, Department of State)

§ 1.2 *Refusal of certification for unlawful purpose.* The Department will not certify to a document when it has good reason to believe that the certification is desired for an unlawful or improper purpose. It is therefore the duty of the Authentication Officer to examine not only the document which the Department is asked to authenticate, but also the fundamental document to which previous seals or other certifications may have been affixed by other authorities. The Authentication Officer shall request such additional information as may be necessary to establish that the requested authentication will serve the interests of justice and is not contrary to public policy.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

DECEMBER 28, 1955.

[F. R. Doc. 55-10033; Filed, Dec. 30, 1955; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6156]

PART 270—CIGARS AND CIGARETTES: MANUFACTURERS, IMPORTERS, AND DEALERS

ELIMINATION OF THE REQUIREMENT FOR REPORTING TOBACCO MATERIALS USED BY MANUFACTURERS OF CIGARS AND CIGARETTES

In order to eliminate the requirement in 26 CFR (1954) Part 270, for the monthly reporting by manufacturers of cigars and cigarettes of tobacco materials used in the manufacture of their products, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 270.143, relating to monthly reports, is amended by striking from the first sentence thereof, where it appears the first time, the word "used,"

Because the amendment made by this Treasury decision relieves restrictions presently in the regulations, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

(C3A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 28, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10044; Filed, Dec. 30, 1955; 8:47 a. m.]

[T. D. 6157]

PART 275—MANUFACTURED TOBACCO: MANUFACTURERS, IMPORTERS, AND DEALERS

ELIMINATION OF THE REQUIREMENT FOR REPORTING TOBACCO MATERIALS USED BY MANUFACTURERS OF TOBACCO

In order to eliminate the requirement in 26 CFR (1954) Part 275, for the

monthly reporting by manufacturers of tobacco, of tobacco materials used in the manufacture of their product, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 275.133, relating to monthly reports, is amended by striking from the first sentence thereof, where it appears the first time, the word "used,"

Because the amendment made by this Treasury decision relieves restrictions presently in the regulations, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 28, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10545; Filed, Dec. 30, 1955; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments are made to Title 39, Chapter I.

PART 108—COMBINATION PACKAGES AND ARTICLES GROUPED TOGETHER

In Part 108 Combination Packages; Articles Grouped Together, make the following changes:

a. Amend the part caption to read as set forth above.

b. In § 108.1 *Combination packages,* amend the list of countries in paragraph (c) by inserting, in proper order, the following:

Panama (Rep. of).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 109—AIRMAIL

In § 109.7 *Air letter sheets,* amend the first sentence to read as follows: "Air letters (aerogrammes) of approved size and weight, which can be folded into the form of an envelope and sealed, may be sent by air to all countries."

(R. S. 161, 396, 398; sec. 32, 20 Stat. 362, as amended, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372, 39 U. S. C. 358)

PART 110—RATES AND SHIPPING REQUIREMENTS

In § 110.1 *Rates and shipping requirements,* amend the country items Estonia, Latvia, and Lithuania by changing the surface parcel post rate applicable thereto from 90 cents for the first pound and 23 cents for each additional pound to 92 cents for the first pound and 25 cents for each additional pound

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 112—PREPARATION, ADDRESSING, AND MAILING

In § 112.5 *Addressing and mailing,* make the following changes: 1. Amend paragraph (c) to read as follows:

(c) *Postage rates.* Parcel post rates to the various countries of destination are shown in § 110.1 of this chapter. The rates for surface parcels are for each pound, a fraction of a pound being charged as a full pound. Air parcel rates are on the basis of each 4 ounces, a fraction of 4 ounces being charged as a full 4 ounces. The weight of the customs declaration and other postal forms will not be included with that of the parcel (surface or air) in determining the amount of postage required.

2. Add new paragraph (d) to read as follows:

(d) *Shortpaid parcels.* Shortpaid parcels, unless intercepted at the mailing office and returned for payment of the deficient postage, are dispatched to destination and the postmaster at the mailing office notified of the shortage. You will be requested to supply the deficient postage.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 113—PROHIBITIONS AND RESTRICTIONS

Part 113—*Prohibitions and Restrictions,* is amended to read as follows:

Sec.
113.1 General list of prohibited articles.
113.2 Restricted articles.
113.3 Individual country prohibitions and restrictions.

AUTHORITY: §§ 113.1 to 113.3 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 113.1 *General list of prohibited articles.* The following are prohibited by parcel post to all countries:

(a) Articles which are excluded from the domestic mails of the United States. (See Part 14 of this chapter.) Although safety matches are admitted in the domestic mail they are prohibited in the international mail.

(b) Written communications of the nature of personal correspondence. (See § 112.4 of this subchapter for permissible inclosures.)

(c) Enclosures which bear an address different from that appearing on the parcel itself.

(d) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See § 15.5 and § 173.1 of this chapter.)

(e) Live or dead creatures, except live bees, leeches, and silkworms and dead insects or reptiles when thoroughly dried.

(f) Fruits and vegetables which easily decompose and any substances which exhale a bad odor.

(g) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 174.4 of this chapter.)

(h) Explosives and inflammable articles and articles which, in any way, may damage or destroy the mails or injure the persons handling them. This includes inflammable liquids having a flash point by the Tagliabue open tester at 80° F or lower; inflammable solids which are likely under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

(i) Oxidizing materials such as chlorates, permanganates, peroxides or nitrates, which yield oxygen readily to stimulate the combustion of organic matter.

§ 113.2 *Restricted articles*—(a) *Combustible liquids.* Combustible liquids having a flash point of 150° F or lower but above 80° F (Tab. open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine and similar substances may be sent in quantities of less than 1 gallon in any one parcel. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F

(b) *Gold and gold certificates.* See § 174.1 of this chapter.

(c) *Jewelry.* Some countries prohibit the importation of jewelry or other precious articles by parcel post, and others admit them only in registered or insured parcels. (See § 113.3) The term jewelry is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this paragraph, and is accepted under the same conditions as other mailable merchandise to any country. However, its acceptance to countries to which jewelry is prohibited is at the risk of the sender.

(d) *Diamonds.* See § 172.5 of this chapter.

(e) *Tobacco seed and plants.* See § 175.2 of this chapter.

(f) *Plant material generally.* Plants, seeds, and plant material are subject to the quarantine regulations of the country of destination. You can obtain information from the Plant Quarantine Branch, Department of Agriculture, Washington 25, D. C., or from one of the offices of that branch located at principal ports of entry.

§ 113.3 *Individual country prohibitions and restrictions.* You may inquire at your post office for information as to articles prohibited or restricted to individual countries; or you may purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at an initial cost of $5.00, including a year's subscription to revision sheets.

PART 115—INCOMING PARCEL POST

a. In § 115.1 Retention and disposal [20 F R. 7837], add the following sentence to the text: "Senders in Great Britain have the additional option of having their parcels returned, if unde-

liverable, without being held for the 30-day period."

b. The caption of § 115.4 (now reading *"Addressed to banks or other organizations"*), is amended to read as follows:

§ 115.4 *Addressed through banks or other organizations.*

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 121—INTERNATIONAL REGISTERED MAIL

a. Section 121.4 *Registry receipt,* is amended to read as follows:

§ 121.4 *Registry receipt.* You are issued a receipt for mail matter accepted for registration to other countries.

b. In § 121.5 *Registry return receipts,* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Requested after mailing.* (1) Within a period of 1 year from the day following that on which you mailed a registered article or parcel, you may request a return receipt at the office of mailing. You must show the registry receipt.

(2) Fee: 13 cents.

(3) If you wish the request for return receipt sent by air you must pay, in addition to the 13-cent fee, the postage for a one-rate airmail letter to the country of destination. If you wish the request sent by surface and the receipt returned to you by air you must pay the same postage. If you wish the request sent and the return receipt returned both by air you must pay double that postage.

2. Amend paragraph (c) to read as follows:

(c) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished by some countries, or may be furnished only under specified conditions.

c. In § 121.6 *Restricted delivery by senders,* make the following changes:

1. Amend that part of paragraph (a) preceding the endorsement table to read as follows:

(a) *Articles mailed in United States.* You may restrict the delivery of registered Postal Union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and you endorse the article in the manner indicated.

* * * * *

2. Redesignate paragraph (b) as paragraph (a) (1), and amend same to read as follows:

(1) Place endorsements shown in the second column above and near the address and underline in red. The country of destination will make two attempts to effect delivery, and, if unsuccessful, the article will be returned as undeliverable.

3. Redesignate paragraphs (c) and (d) as subparagraphs (2) and (3) of paragraph (a), respectively.

4. Add new paragraph (b) to read as follows:

(b) *Articles mailed in other countries.* Registered Postal Union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only," underlined in red, are delivered only to the addressee. Two attempts are made to deliver such articles. If delivery is not effected by the second attempt, the articles are returned to the sender.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 122—INTERNATIONAL INSURED MAIL

a. In § 122.1 *Availability of service,* change the reference "Part 110 of this chapter" to "§ 122.3 (b) (1)"

b. In § 122.3 *Fees and limit of insurance,* amend paragraph (b) (1) by changing the limit of insurance applicable to the Cape Verde Islands from $50.00 to $16.33.

c. Section 122.5 *Insurance receipts,* is amended to read as follows:

§ 122.5 *Insurance receipts.* You are issued a receipt for mail accepted for insurance. Each receipt will bear the insurance number. You should enter the name and address of the addressee on the receipt and keep it. The receipt must be submitted if you file a claim or an inquiry concerning the parcel.

d. In § 122.7 *Return receipts,* change the reference from § 121.6 to § 121.5.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 132—PROHIBITED AND RESTRICTED ARTICLES

a. In § 132.1 *General list of prohibited articles,* make the following changes:

1. Delete present paragraph (f)

2. Redesignate present paragraph (g) as paragraph (f) and amend same to read as follows:

(f) Coins, bank notes, paper money or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry stones, jewelry or other previous articles are prohibited transmission in the Postal Union mails unless sent by registered letter mail. These articles are absolutely prohibited even in registered letter mail to some countries. The term jewelry is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this paragraph, and is accepted under the same conditions as other mailable merchandise to any country. However it is accepted only at the sender's risk to countries which prohibit jewelry.

3. Add new paragraph (g) to read as follows:

(g) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 174.4 of this chapter.)

4. Add new paragraph (h) to read as follows:

(h) For articles prohibited from international parcel post, see Part 113 of this chapter.

b. In § 132.2 Restricted articles [20 F. R. 7037], delete paragraph (f)

c. Section 132.3 *Individual country prohibitions,* is amended to read as follows:

§ 132.3 *Individual country prohibitions and restrictions.* You may inquire at your post office for information as to articles prohibited or restricted to individual countries, or you may purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at an initial cost of $5.00, including a year's subscription to revision sheets.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 152—INDEMNITY LIMITS

a. In § 152.1 *Registered Postal Union articles,* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Canada.* You may be paid not to exceed $3.17 on the basis of actual value for damage or rifling of contents when of United States origin and when responsibility rests with the United States, and up to $25 based on actual value for loss (contents and wrapper) in either Canada or the United States.

2. Amend paragraph (b) to read as follows:

(b) *PUAS countries (see § 131.3 (d) (1)) except Canada.* You may be paid any amount claimed not exceeding $3.27 for loss (contents and wrapper) regardless of value; and, when responsibility rests with the United States only, not exceeding $3.27 on the basis of actual value for damage or rifling of contents (including instances where money in cash, bank notes, or values payable to bearer are prohibited by international agreements)

3. Amend paragraph (c) to read as follows:

(c) *Great Britain and Northern Ireland and Switzerland.* You may be paid any amount claimed not exceeding $3.17 for loss, (contents and wrapper), regardless of value; and, on the basis of actual value, irrespective of country of origin or country responsible, for damage of an article in a registered packet, but not exceeding $3.17. If United States responsibility, such payment may be made for partial damage, or for rifling of contents, but not exceeding $3.17.

4. Amend paragraph (d) to read as follows:

(d) *All other countries.* You may be paid any amount claimed not exceeding $3.17 for loss (contents and wrapper) regardless of value; and, when of United States origin and when responsibility rests with the United States only, not exceeding $3.17 on the basis of actual value for damage or rifling of contents (including instances where money in

cash, bank notes, or values payable to bearer are prohibited by international agreements)

b. In § 152.2 *Registered or ordinary parcel post to countries of the Postal Union of the Americas and Spain,* make the following changes:

1. Amend the section caption to read as follows:

§ 152.2 *Registered or ordinary parcel post to PUAS countries (see § 131.3 (d) (1)) except Canada and Cuba.*

2. Insert the following note under the table:

NOTE: See § 152.3 (c) concerning indemnity paid for registered parcel post to Ecuador.

c. *Section 152.3 Other registered parcel post,* is amended to read as follows:

§ 152.3 *Other registered parcel post—*(a) *Cape Verde Islands and Portuguese West Africa.* You may be paid up to $16.33, based on actual value, for loss, rifling, or damage.

(b) *Cuba.* You may be paid up to $10 for loss (contents and wrapper) based on actual value.

(c) *Ecuador and Portugal (including Madeira and the Azores)* You may be paid, based on actual value, for loss, rifling, or damage (in case of Portugal only for loss of both contents and wrapper) in accordance with the scale of fees and limits of indemnity in § 121.3 (b) of this chapter.

d. In § 152.4 *Insured parcel post,* make the following changes:

1. Delete the word "total" from paragraph (a) and paragraph (b)

2. Amend paragraph (c) to read as follows:

(c) Canada. You may be specially paid as provided in paragraph (a) for the loss, rifling, or damage of insured parcels addressed to Canada containing articles prohibited insurance such as jewelry, precious stones, articles of gold or other precious metals for personal use, gold scrap, jeweler's filings, and money packets.

e. In § 152.5 *Principal exceptions,* make the following changes:

1. Add the following to paragraph (e) " such as failure to endorse the parcel conspicuously to show the nature of the contents, or, to provide adequate packing for the length of the journey and for the protection of the contents."

2. Amend paragraph (j) to read as follows:

(j) In the case of parcels which contain matter of no intrinsic value or matter which did not conform to the stipulations of the conventions applicable, or which were not posted in the manner prescribed. However, in the event of loss, rifling, or damage in this country of mail matter erroneously accepted for insurance, etc., to other countries, limited indemnity may specially be paid, under the conditions stated in §§ 152.1 to 152.3. If postage was erroneously collected at other than parcel post rates, but the parcel was otherwise properly accepted for insurance, indemnity may specially be paid under § 152.4.

3. Amend paragraph (n) to read as follows:

(n) Indemnity greater than that corresponding to the actual amount of loss, rifling, or damage referred to in §§ 152.1 to 152.4 except in the case of loss of registered Postal Union mail.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor

[F. R. Doc. 55-10603; Filed, Dec. 30, 1955; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1264]

ALASKA

REVOKING PLO 644 OF MAY 9, 1950, WHICH WITHDREW LANDS FOR ALASKA ROAD COMMISSION; PARTIALLY REVOKING EO OF MAY 4, 1907, WHICH WITHDREW LANDS FOR EDUCATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

[52391]

1. Public Land Order No. 644 of May 9, 1950, withdrawing the following-described public lands in Alaska for use of the Alaska Road Commission as an administrative site, is hereby revoked:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 33, lots 181 and 202.

The tracts described contain 6.70 acres and are withdrawn for Power Site Classification No. 107 of June 12, 1925.

[67915]

2. The Executive order of May 4, 1907, reserving not to exceed 40 acres at each of several places in Alaska for educational purposes, is hereby revoked so far as it affects the following-described lands at Nulato:

ON THE YUKON RIVER

Near latitude 64°45' longitude 158° identified as U. S. Survey No. 2247.

The tract described contains 0.29 acre.

3. Subject to any existing valid rights, and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on February 1, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 2, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on May 2, 1956 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on May 2, 1956.

4. Persons claiming veteran's preference rights under paragraph 3a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

WESLEY A. D'EWART,
Assistant Secretary of the Interior

DECEMBER 27, 1955.

[F. R. Doc. 55-10465; Filed, Dec. 30, 1955; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

NSF FELLOWSHIP PROGRAM

Parts 601 and 602 are revised as set forth below. A new Part 603 is added to Title 45 and § 620.10 (e) is amended as set forth below.

PART 601—PREDOCTORAL GRADUATE FELLOWSHIPS

Sec.
601.1 General.
601.2 Qualifications.
601.3 Fellowship activities.
601.4 Conditions of appointment.
601.5 Location of work.
601.6 Stipends and allowances.
601.7 Applications.

AUTHORITY: §§ 601.1 to 601.7 issued under sec. 11, 64 Stat. 153; 42 U. S. C. 1870. Interpret or apply sec. 10, 64 Stat. 152; 42 U. S. C. 1869.

§ 601.1 *General.* As one means of promoting the progress of science the National Science Foundation is authorized by the National Science Foundation Act of 1950 to award graduate fellowships for scientific study. Selection of persons for fellowships will be made from among citizens of the United States solely on the basis of ability. Fellowships will be awarded in the mathematical, physical, medical, biological, engineering and other sciences, including anthropology, psychology (other than clinical) geography, certain interdisciplinary fields, and fields of convergence between the natural and social sciences. Awards are not made to individuals to pursue a course of study designed to prepare them for careers in medical practice and comparable fields; however, applications will be accepted from students who intend to obtain advanced training in one of the medical sciences directed toward a career in research.

§ 601.2 *Qualifications.* National Science Foundation predoctoral graduate fellowships are available to any citizen of the United States who has demonstrated ability and special aptitude for advanced training in the sciences and who will be eligible to begin or continue graduate study. Selection of fellows will be based on scores made on tests of scientific aptitude and achievement, academic records, and recommendations regarding each candidate's abilities. Evaluation of each candidate's qualifications is to be made by panels of scientists chosen by the National Research Council; final selection of Fellows is to be made by the National Science Foundation.

§ 601.3 *Fellowship activities.* National Science Foundation fellows will be required to devote full time to advanced scientific study or scientific research for the period of the fellowship award. The tenure may be selected to include either one regular academic year of two semesters (or three quarters) or a full year consisting of a regular academic year plus a full summer session; fellows electing the longer tenure and studying at institutions where the summer session is divided into two terms will be expected to attend each of the terms during the tenure of their award. A fellow may not receive remuneration from another fellowship, scholarship, or similar award or Federal grant or contract during the tenure of the fellowship. The institution or the department in which a fellow chooses to study may assign the fellow definite responsibilities or duties other than normal course work or individual research if the National Science Foundation, the fellow's scientific adviser, and the fellow agree in advance that those responsibilities and duties promote the scientific training of the fellow. Since some teaching experience (and/or related activity) is considered desirable for many graduate students because it contributes to the graduate training process, the Foundation encourages its fellows to undertake a reasonable amount of teaching responsibility when satisfactory arrangements can be worked out between the fellow, his advisers, his graduate institution, and the Foundation. Except in special cases (where adequate justification is submitted to show that exceptional circumstances exist), fellows are not allowed to accept remuneration for teaching or other duties carried out during the fellowship tenure. Results of research carried out by a fellow may be made available to the public by ordinary means without restriction except as is required in the interest of national security.

§ 601.4 *Conditions of appointment.* (a) In order to be considered for a given academic year, applications must be received in the Fellowship Office of the National Research Council early in January. Applications must normally be accompanied by complete copies of college transcripts of credit and a plan of study for advanced training. The affidavit and loyalty oath required by section 15 (d) of the National Science Foundation Act (42 U. S. C. Sup. 1874 (d)) will constitute part of the application form and must be completed and returned with the other application materials. Applicants having graduate status must also submit an outline of any research contemplated.

(b) All applicants for graduate awards will be required to take an examination designed to test scientific aptitude and achievement; this examination is administered at a large number of centers throughout the United States and overseas each January. Applicants will be informed as to the time and place where they can take this examination. Awards are made on March 15, and fellows may enter on the tenure of their awards any time after the following June 1, but must begin their fellowship activities no later than the beginning of the ensuing academic year at the institution of the fellow's choice. After an appointment is made a major change in the course of study and any change in the tenure or institution to be attended by a fellow requires prior approval of the National Science Foundation. The granting of a fellowship implies no commitment about its renewal. Fellows applying for reappointment will be judged along with all other applicants in the same field and at the same level of study.

§ 601.5 *Location of work.* A fellow may pursue his fellowship at any accredited non-profit institution of higher education in the United States, or any similar institution abroad approved by the National Science Foundation. A fellow must present evidence that he is accepted by the institution in which he plans to pursue his fellowship before he will be permitted to enter upon the tenure of the fellowship.

§ 601.6 *Stipends and allowances.* (a) Stipends for these fellowships will vary with the academic status of the applicant:

(1) First year fellows—those who expect to enter upon graduate study for the first time or those whose graduate training is insufficient to qualify them as an intermediate year fellow—will receive a stipend of $1,400.

(2) Intermediate fellows—those who will have completed (by September of the year the award is made) an amount of graduate training considered by the institution at which they are in attendance to be a normal year of graduate training—will receive a stipend of $1,600.

(3) Terminal fellows—those who expect to complete the requirements for a doctoral degree within one calendar year from the date on which they enter on the tenure of their fellowships—will receive a stipend of $1,800.

(b) The annual stipend will be made available to fellows who elect a full year (twelve months) option. Fellows electing an academic year (nine months) award will receive nine-twelfths of the annual stipend. Married fellows normally will be provided a dependency allowance of an additional $350 plus $350 for each dependent child. As in the case of the stipend, these allowances will be reduced to nine-twelfths of the annual figures for fellows electing academic year awards. A limited allowance to aid in defraying the fellow's cost of travel will be paid. Tuition and laboratory fees assessed and collected by the university of individuals of similar academic standing will be paid by the National Science Foundation. These fellowships are awarded solely for the education, training and development of the recipients.

§ 601.7 *Applications.* Requests for application forms should be addressed to the Fellowship Office, National Research Council, 2101 Constitution Avenue NW., Washington 25, D. C.

PART 602—POSTDOCTORAL FELLOWSHIPS

Sec.
602.1 General.
602.2 Qualifications.
602.3 Fellowship Activities.
602.4 Conditions of appointment.
602.5 Location of work.
602.6 Stipends.
602.7 Applications.

AUTHORITY: §§ 602.1 to 602.7 issued under sec. 11, 64 Stat. 153; 42 U. S. C. 1870. Interpret or apply sec. 10, 64 Stat. 152; 42 U. S. C. 1869.

§ 602.1 *General.* As one means of promoting the progress of science the National Science Foundation is authorized by the National Science Foundation Act of 1950 to award graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences, including anthropology, psychology (other than clinical) geography, certain interdisciplinary fields, and fields of convergence between the natural and social sciences. Selection of persons for

fellowships will be made from among citizens of the United States solely on the basis of ability. Awards are not made to individuals to pursue a course of study designed to prepare them for careers in medical practice and comparable fields; however, applications will be accepted from students who intend to obtain advanced training in one of the medical sciences directed toward a career in research.

§ 602.2 *Qualifications.* National Science Foundation postdoctoral fellowships are available to citizens of the United States who have demonstrated ability and special aptitude for advanced training in the sciences and who, as of the beginning of their fellowships, have earned a doctoral degree in one of the fields of science covered or who have had research training and experience equivalent to that represented by such a degree. Evaluation of each candidate's qualifications is made by a panel of scientists selected by the National Research Council. Final selection of fellows is made by the National Science Foundation.

§ 602.3 *Fellowship activities.* National Science Foundation fellows will be expected to devote full time to advanced scientific study and scientific research during the period of the fellowship award. A fellow may not receive remuneration from another fellowship, scholarship, or similar award, or Federal grant or contract during the tenure of fellowship. The institution or department which a fellow chooses to study may assign the fellow definite responsibilities or duties other than the normal course or individual research if the National Science Foundation, the fellow's scientific adviser, and the fellow agree in advance that those responsibilities and duties promote the scientific training of the fellow. Since some teaching experience (and/or related activity) is considered desirable for many graduate students because it contributes to the graduate training process, the Foundation encourages its fellows to undertake a reasonable amount of teaching responsibilities when satisfactory arrangements can be worked out between the fellow, his adviser, his graduate institution, and the Foundation. Except in special cases (where adequate justification is submitted to show that exceptional circumstances exist) fellows are not allowed to accept remuneration for teaching or other duties carried out during fellowship tenure. The results of research carried out by a fellow may be made available to the public by ordinary means without restriction except as required in the interest of national security.

§ 602.4 *Conditions of appointment.* (a) In order to be considered for a given academic year, applications must be received in the Fellowship Office of the National Research Council by late December (e. g., December 19 was the deadline for receipt of applications for the 1956–1957 academic year) An additional award period occurs in the Autumn. Applications for this award period must be received by early September (e. g., September 12 for the Autumn 1955 award period) Applications must normally be accompanied by complete copies of college transcripts and other supplementary information as required in the application materials. The affidavit and loyalty oath required by section 15 (d) of the National Science Foundation Act (42 U. S. C. Sup. 1874 (d)) will constitute part of the application form and must be completed and returned with the other application materials.

(b) A fellow may choose to pursue his fellowship at any accredited non-profit institution of higher education in the United States, or any similar institution abroad approved by the National Science Foundation. Postdoctoral fellowships normally have the same tenure options as graduate fellowships but may be awarded longer or shorter periods—from six months to two years—upon submission by the applicants of adequate justification. This justification must be included as a part of the proposed plan of research and submitted as a part of the application materials. Postdoctoral fellows may begin their fellowship activities at any time within twelve months after the announcement of the awards, but it is expected that fellowship tenure will begin within six months. After an appointment is made, a major change in the course of study and any change in tenure or institution to be attended by a fellow requires prior approval of the National Science Foundation. The granting of a fellowship implies no commitment about its renewal. Fellows applying for reappointment will be judged along with all other applicants in the same field and at the same level of study.

§ 602.5 *Location of work.* A fellow may pursue his fellowship an any accredited non-profit institution of higher education in the United States, or at any similar institution abroad approved by the National Science Foundation. A fellow must present evidence that he is accepted by the institution in which he plans to pursue his fellowship before he will be permitted to enter upon the tenure of his fellowship.

§ 602.6 *Stipends.* The basic stipend for National Science Foundation postdoctoral fellows will be $3,400 per year. Married fellows normally will be provided a dependency allowance of an additional $350 plus $350 for each dependent child. A limited allowance to aid in defraying the fellow's costs of travel will be paid. Postdoctoral fellows who receive awards of longer or shorter duration will receive stipends and allowances in proportion to the tenure of their fellowships. Tuition and certain fees assessed and collected from individuals of similar academic standing will be paid by the National Science Foundation. These fellowships are awarded solely for the education, training and development of the recipients.

§ 602.7 *Applications.* Requests for application forms should be addressed to the Fellowship Office, National Research Council, 2101 Constitution Avenue, N. W., Washington 25, D. C.

PART 603—SENIOR POSTDOCTORAL FELLOWSHIPS

Sec.
603.1 General.
603.2 Qualifications.
603.3 Fellowship activities.
603.4 Conditions of appointment.
603.5 Location of work.
603.6 Stipends.
603.7 Applications.

AUTHORITY: §§ 603.1 to 603.7 issued under sec. 11, 64 Stat. 153; 42 U. S. C. 1870. Interpret or apply sec. 10, 64 Stat. 152; 42 U. S. C. 1869.

§ 603.1 *General.* As one means of promoting the progress of science and the national welfare, the National Science Foundation is authorized by the National Science Foundation Act of 1950 to award senior postdoctoral fellowships to individuals planning additional study and/or research with a view to (a) increasing their competence in their specialized fields of science or (b) broadening their experience in related fields of science. Selection of persons for fellowships will be made from among citizens of the United States solely on the basis of ability. Fellowships will be awarded in the mathematical, physical, medical, biological, engineering, and other sciences, including anthropology, psychology (other than clinical), geography certain interdisciplinary fields, and fields of convergence between the natural and social sciences. Awards are not made to individuals to pursue a course of study designed to prepare them for a career in medical practice and comparable fields; however, applications will be accepted from persons holding doctoral degrees who wish further training in one of the medical sciences with a view toward a career in research.

§ 603.2 *Qualifications.* National Science Foundation senior postdoctoral fellowships are available to any citizen of the United States who has demonstrated ability and special aptitude for advanced training and productive scholarship in the sciences and who, at the time of his application, has held a doctoral degree in one of the fields of basic science for a minimum of five years, or who has had the equivalent in research experience and training. An individual who has held a degree such as M. D., D. D. S., or D. V M. for at least five years prior to the time application is made and who desires to obtain further training for a career in research will be eligible to apply for a senior postdoctoral fellowship provided he can present an acceptable plan of study and research. Evaluation of each candidate's qualifications is to be made by a panel of scientists selected by the National Research Council. Final selection of fellows is to be made by the National Science Foundation.

§ 603.3 *Fellowship activities.* A National Science Foundation senior postdoctoral fellow is required to devote full time to scientific study and/or scientific research during the tenure of his fellowship. In general, a senior postdoctoral fellow may not receive compen-

sation for services performed during his tenure. He may, however, hold other bona fide fellowships concurrently and may receive sabbatical leave pay during his tenure. A fellow may undertake definite responsibilities or duties other than normal course work or research if the fellow and the National Science Foundation agree in advance that those responsibilities and duties will tend to further the training in science of the fellow. The results of research carried out by the fellow may be made available to the public by ordinary means without restriction except as is required in the interest of national security.

§ 603.4 *Conditions of appointment.* (a) In order to be considered for a particular academic year, applications must be received in the Division of Scientific Personnel and Education of the National Science Foundation by the second or third Monday of January. Applications must normally be accompanied by complete copies of college transcripts and other supplementary information as required in the application form. The affidavit and loyalty oath required by section 15 (d) of the National Science Foundation Act (42 U. S. C. Sup. 1874 (d)) will constitute part of the application form and must be completed and returned with the other application materials.

(b) Each applicant must specify the institution or institutions in which he proposes to continue his training. The tenure of a senior postdoctoral fellowship will normally be either an academic year of 9 months or a calendar year of 12 months. Tenures of shorter or longer duration—from three months to two years—are available upon submission of adequate justification. Justification must be part of the proposed plan of study and research. It is not mandatory that the entire tenure of the fellowship be undertaken in a single, uninterrupted period, but no one period of tenure may be shorter than three months and the total span of tenure from beginning to termination of the fellowship may not exceed thirty-six months. Requests for unusual arrangement of tenure should be justified in the application materials. After an appointment is made, a major change in the course of study and research, or any change in tenure or in the institution(s) to be attended by the fellow requires prior approval of the National Science Foundation.

§ 603.5 *Location of work.* A fellow may pursue his fellowship at any accredited non-profit institution(s) of higher education in the United States, or at any similar institution abroad approved by the National Science Foundation. A fellow must present evidence that he is accepted by the institution at which he plans to study during his fellowship before he will be permitted to enter upon the tenure of the fellowship.

§ 603.6 *Stipends.* Awards for the senior postdoctoral fellows are of the salary-matching type. The stipend will be individually determined and will be based on the fellow's normal salary as of the time he makes application for an award and on other support expected (for example, other fellowship awards or sabbatical leave pay to which he is entitled) during the tenure of his National Science Foundation fellowship. In the event that a fellow has supplemental support during all or part of his fellowship tenure, the amount of his award will be adjusted accordingly. No award, however, will be less than $4,000 per annum before adjustment and no award will exceed $10,000 per annum. Awards for periods longer or shorter than one year will be prorated. Allowances to aid in defraying the costs of travel undertaken in the fulfillment of the fellowship study will be paid. An additional allowance may be made to defray costs of tuition, fees, unusual research expenses, special equipment and special travel in an amount not to exceed $600 for each full year of tenure. These fellowships are awarded solely for the education, training and development of the recipient.

§ 603.7 *Applications.* Requests for application forms should be addressed to the Division of Scientific Personnel and Education, National Science Foundation, Washington 25, D. C.

PART 620—GRANTS FOR SCIENTIFIC RESEARCH; GUIDE FOR THE SUBMISSION OF RESEARCH PROPOSALS

The date "December, 1951" appearing in § 620.10 (e) relating to Foundation grants, should be changed to "April, 1955"

C. E. SUNDERLIN,
Deputy Director.

[F. R. Doc. 55-10000; Filed, Dec. 30, 1955; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-1264]

[Rules Amdt. 1-1]

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

In the matter of amendment to §§ 1.387 (b) (3) and 1.724 (b) and adoption of a new § 1.370.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration amendment of §§ 1.387 and 1.724 (b) of its rules and regulations, which concern the consolidation of mutually exclusive applications for hearing; and the enactment of a new rule on the processing of certain broadcast applications;

It appearing that the amendments herein ordered would promote greater efficiency in Commission operations; and

It further appearing that the amendments herein ordered are procedural in nature, and, therefore, compliance with the requirements of sections 4 (a) (b) and (c) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to sections 4 (i) and 5 (c) of the Communications Act of 1934, as amended, §§ 1.387 (b) (3) and 1.724 (b) of the Commission's rules and regulations are amended, as shown below, effective January 1, 1956, and that these amendments shall apply only to applications designated for hearing on or after the effective date.

It is further ordered, That a new § 1.370, as set forth below, is enacted, effective immediately.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154)

Released: December 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

A new § 1.370 is enacted to immediately follow the subtitle "The Manner In Which Applications Are Processed" and which reads as follows:

§ 1.370 *Thirty-day waiting period for action on certain applications.* The Commission will not act on applications for construction permit for new broadcast stations, or for renewal thereof, or modification of broadcast construction permits requesting changes of transmitter site, antenna height or operating power, until 30 days have elapsed since the date on which public notice has been given by the Commission of the acceptance of such application or applications for filing.

Section 1.387 (b) (3) of the Commission's rules and regulations is amended to read as follows:

(3) Any person who has filed a mutually exclusive application, which, under § 1.724 (b) will be consolidated with a prior application, or applications.

Section 1.724 (b) of the Commission's rules and regulations is amended to read as follows:

(b) Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled provided, however, that in broadcast matters a mutually exclusive application will be consolidated for hearing with such other application or applications only if the later application has been filed not later than ten days after public notice has been given by the Commission of its order designating a prior application or applications for hearing. If the later application is filed after said ten days it will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket. If, in non-broadcast matters the scheduled date is changed, the date last set shall govern in determining the timeliness of an application.

[F. R. Doc. 55-10099; Filed, Dec. 30, 1955; 8:51 a. m.]

[FCC 55-1273]

[Rules Amdt. 3-4]

PART 3—RADIO BROADCAST SERVICES

TIME OF OPERATION

In the matter of amendment of § 3.261 of Part 3 Radio Broadcast Services.

1. On March 22, 1955, the Commission released a Report and Order (FCC 55-340) in Docket No. 10832, amending its rules to permit FM broadcast stations to engage in functional music operations on a simplex and/or multiplex basis. In this Report and Order the Commission amended § 3.261 of the rules relating to time of operation of FM broadcast stations to read, in part, as follows: "A minimum of 36 hours per week during the hours of 6:00 a. m. to midnight, consisting of not less than 5 hours in any one day, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293 to 3.296) shall not be included in meeting this 36-hour broadcast requirement."

2. On October 7, 1955, Progress Broadcasting Corporation, licensee of Station WHOM-FM, New York, N. Y., filed a petition requesting the Commission to amend Section 3.261 to permit FM stations to be silent on Sundays. In support of its petition, Progress Broadcasting Corporation urges that the language of § 3.261 appears to require FM stations to operate on Sunday. Petitioner states that the authorization of functional music operations was a recognition by the Commission that FM stations were, for the most part, in very poor financial circumstances and required additional sources of revenue if they were to continue to exist, and notes that in authorizing functional music operations, the Commission characterized such operations essentially of non-broadcast nature. In order to keep the functional music operation subservient to the broadcast function, the Commission required in § 3.261 a minimum of 36 broadcast hours per week; and in order to preclude concentration of the minimum hours in any one period of time, required a minimum of 5 broadcast hours per day. Petitioner urges, however, that the Commission cannot have intended to require FM stations to operate on Sundays, noting that § 3.71 of the Commission's AM rules specifically excludes Sundays from the minimum operating schedule of standard broadcast stations. Because Sunday operation involves overtime payments to station staffs and provides little opportunity for deriving compensatory revenues, it is substantially more expensive than comparable weekday operations. Petitioner urges, therefore, that its proposed revision of § 3.261 would be consistent with the Commission's policy of improving the financial circumstances of FM stations, and further, would equalize treatment of standard broadcast and FM stations in this particular. Such a revision would not affect the obligation of FM licensees to meet the minimum weekly requirement, and would not permit fulfilling this requirement in any given short period of time.

3. The Commission believes that the public interest does not require Sunday broadcast operation by FM stations. Standard broadcast stations are expressly exempt from such a requirement. The Commission believes that the public interest would be served by removing the financial burden of obligatory Sunday broadcast operation from FM stations. Accordingly, the Commission is amending § 3.261 of its rules to permit FM stations to remain silent on Sundays.

4. Prior notice of proposed rule making is unnecessary under the provisions of section 4 of the Administrative Procedure Act, and the amendment may become effective January 3, 1956, since the amendment will relieve restrictions upon licensees of FM stations.

5. The amendment adopted herein is issued pursuant to authority contained in sections 4 (i) 303 (c) and (r) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That, effective January 3, 1956 § 3.261 of the Commission's Rules is amended to read as follows:

§ 3.261 *Time of operation.* All FM broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6:00 a. m. to midnight, consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293-3.295) shall not be included in meeting this 36-hour broadcast requirement. In an emergency when, due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 21, 1955.

Released: December 26, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R, Doc. 55-10587; Filed, Dec. 30, 1955; 8:51 a. m.]

[Rules Amdt. 16-2]

PART 16—LAND TRANSPORTATION RADIO SERVICES

FREQUENCIES AVAILABLE FOR BASE AND MOBILE STATIONS; CORRECTION

In the matter of correction to the recapitulation of Part 16, Rules Governing the Land Transportation Radio Services.

The Commission's recapitulation of Part 16 of the rules governing the Land Transportation Radio Services as of September 1, 1955 (FEDERAL REGISTER, October 13, 1955, 20 F R. 7646) is corrected as follows: Change § 16.352 (a) by inserting the footnote designator "1" before the frequency 161.85 listed therein.

Released: December 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10607; Filed, Dec. 30, 1955; 8:55 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 22]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December 1955.

It appearing that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing that due to shortage of water at some points during the summer months; impossibility of making tests of loaded cars in storage during summer months; and the existing shortage of tank cars coupled with a heavy demand for gases and other commodities, that an extension of time be allowed in which to accomplish the retesting of tank cars, safety valves, and heater systems on a schedule that will not seriously interfere in the supply of materials transported in tank cars particularly gases used for heating purposes, it is deemed necessary to amend the aforesaid regulations:

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Amend § 73.31 paragraph (g) Note 1 (20 F R. 8098, Oct. 28, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* * * *

(g) * * *

NOTE 1. Periodic retests of metal tanks, safety valves, and heater systems, except those in chlorine service and except tanks made to specifications ICC-106A500, 106A 500X, 106A800, 106A800X, 106A800NCI, 107A, or 110A500-W may be made at any time during the calendar year the retest falls due,

except that where such retests are due on or before December 31, 1955 the tests must be made on or before June 30, 1956.

* * * * *

It is further ordered, That the foregoing amendment to the aforesaid regulations shall have full force and effect on December 31, 1955, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-10469; Filed, Dec. 30, 1955; 8:49 a. m.]

[Ex Parte No. 179]

PART 91—LOCOMOTIVE INSPECTION

INSPECTION AND TESTING OF MULTIPLE UNIT EQUIPMENT

Present. Owen Clarke, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and petition of certain carriers filed December 19, 1955, for reconsideration of the report and order on further hearing decided October 25, 1955, and for good cause appearing:

It is ordered, That the order of May 18, 1954, as amended, be, and it is hereby modified by further postponing the effective date of the rules and instructions for the inspection and testing of electrically operated units designed to carry freight and/or passengers, operated by a single set of controls from January 1, 1956, to April 1, 1956, and by substituting April 1, 1956, for January 1, 1956, wherever it appears in the said order of May 18, 1954, as amended, without change otherwise; and

It is further ordered, That notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 5, 36 Stat. 914, as amended; 45 U. S. C. 28)

Dated at Washington, D. C., this 21st day of December A. D. 1955.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-10471; Filed, Dec. 30, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11586; FCC 55-1261]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

FREQUENCY ALLOCATIONS

In the matter of amendment of Part 2 of the Commission's rules to provide for the use of the band 25.6-26.1 Mc in the international broadcasting service by both Government and non-Government stations.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. At the present time the Commission's table of frequency allocations, contained in § 2.104 (a) (5) of the rules, indicates that while the band 25.6-26.1 Mc is allocated to broadcasting on a world-wide basis, the band is sub-divided within the United States to provide a Government allocation of 25.6-25.85 Mc and a non-Government allocation of 25.85-26.1 Mc.

3. On October 19, 1955, the Commission adopted a Report and Order in Docket No. 10962 wherein it amended Part 3, Subpart F of its rules governing International Broadcast Stations. For reasons set forth in that proceeding, to provide a greater frequency flexibility for Government and non-Government International Broadcast Stations, it would appear in the public interest to make the Government band 25.6-25.85 Mc and the non-Government band 25.85-26.1 Mc available to both Government and non-Government International Broadcast Stations.

4. Accordingly, it is proposed to amend Part 2 of the rules to reflect this availability. The proposed amendments are set forth below and are issued pursuant to the authority contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 10, 1956, written data, views of arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 21, 1955.

Released: December 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

It is proposed to amend Part 2 of the Commission's rules in the following particulars:

1. Amend § 2.104 (a) (5) by inserting footnote indicator

US * in column 5 for the band 25.33-25.85 Mc and by inserting footnote indicator US ** in column 5 for the band 25.85-25.48 Mc.

Amend § 2.104 (a) (5) by inserting the text of the above footnotes in the list of footnotes following the table, as follows:

US * Frequencies in the band 25.6-25.85 Mc may be authorized for use by non-Government international broadcasting stations.

US ** Frequencies in the band 25.85-26.1 Mc may be authorized for use by Government international broadcasting stations.

* **—Footnote numbers to be furnished upon finalization of this proposal.

[F. R. Doc. 55-10533; Filed, Dec. 30, 1955; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 270]

CIGARS AND CIGARETTES: MANUFACTURERS, IMPORTERS, AND DEALERS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*

In order to prescribe that packages of imported cigars and cigarettes bear a warning similar to that required on packages of domestic cigars and cigarettes; to prescribe provisions relating to cigars removed from customs bonded

manufacturing warehouses, class 6, for consumption in the United States; and to clarify the provisions relating to the amount of bonds; regulations are hereby amended as follows:

PARAGRAPH 1. Regulations in 26 CFR (1954) Part 270 are amended as follows:

(A) Section 270.122 is amended by striking out, in the first sentence thereof, the words "equal to" and inserting, in lieu thereof, the words "not less than"

(B) Section 270.190 is amended by adding after the word "stamps" at each of the three places that such word appears therein, the expression " mark,"

(C) Sections 270.192 through 270.195 are renumbered as §§ 270.193 through 270.196, respectively

(D) Sections 270,196 through 270.198 are renumbered as §§ 270.198 through 270.200, respectively.

(E) A new § 270.192 to read as follows is inserted:

§ 270.192 *Mark.* Every package of cigars and cigarettes subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, a warning reading "Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied."

(F) A new § 270.197 to read as follows is inserted:

§ 270.197 *Cigars manufactured in customs bonded manufacturing warehouses*—(a) *Regulations applicable.* The manufacture and removal of cigars manufactured in customs bonded manufacturing warehouses, class 6, is governed by customs regulations.

(b) *Taxpayment.* Cigars manufactured in customs bonded manufacturing warehouses, class 6, when removed for consumption in the United States, shall be treated similarly to cigars imported from a foreign country. Proprietors of such warehouses shall use Form 923 in ordering internal revenue stamps to denote payment of tax on such cigars.

[F. R. Doc. 55-10546; Filed, Dec. 30, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

BEANS

UNITED STATES STANDARDS

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), as amended, the United States Department of Agriculture is considering the revision of § 68.103 (d) of the United States Standards for beans (7 CFR 68.103 (d)) as recommended by the Lima Bean Advisory Board of the State of California, and essentially as herein proposed.

It is proposed to revise paragraph (d) of § 68.103 to read as follows:

§ 68.103 *Grades, grade requirements, and grade designations.* * * *

(d) *Grades and grade requirements for the class Large Lima Beans and the classes of Miscellaneous Lima Beans (see also paragraph (g) of this section)*

Grade	Maximum limits of—Blistered beans, wrinkled beans, splits, damaged beans, contrasting classes, and foreign material							Classes that blend
	Total	Splits	Damaged beans		Contrasting classes	Foreign material		
			Total	Badly damaged		Total	Stones	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. Extra No. 1 [1] [2] [3]	4.0	2.0	1.0	0.2	0.2	0.2	Trace	2.0
U. S. No. 1 [1] [4]	6.0	3.0	2.0	.5	.5	.5	0.2	5.0
U. S. No. 2 [1] [5]	9.0	5.0	3.0	1.0	1.0	1.0	.3	10.0
U. S. Substandard	U. S. Substandard shall include beans of any one of these classes which are not well screened or which otherwise do not come within the requirements of the specifications for the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, or for the grade U. S. Sample grade.							
U. S. Sample Grade	U. S. Sample grade shall include beans of any one of these classes which are musty, or sour, or heating, or materially weathered, or which are weevily, or which have any commercially objectionable odor, or which are otherwise of distinctly low quality.							

[1] The beans in the grades U. S. Extra No. 1, U. S. No. 1, and U. S. No. 2, of any one of these classes shall be well screened.

[2] The beans in the grade U. S. Extra No. 1 of any one of these classes shall be of good natural color, and may contain not more than 17 percent moisture.

[3] The beans in the grade U. S. Extra No. 1 of the class Large Lima beans may contain not more than 20 percent of beans that will pass through a 30/64 sieve, which 20 percent may include not more than 5 percent of beans that will pass through a 28/64 sieve.

[4] The beans in the grade U. S. No. 1 of the class Large Lima beans may contain not more than 25 percent of beans that will pass through a 28/64 sieve, which 25 percent may include not more than 5 percent of beans that will pass through a 24/64 sieve.

[5] The beans in the grades U. S. No. 2 of the class Large Lima beans may contain not more than 40 percent of beans that will pass through a 28/64 sieve, which 40 percent may include not more than 5 percent of beans that will pass through a 24/64 sieve.

Alternatively consideration will be given to: (a) Including in the foregoing the factor "broken beans" in total defects without special limitations on this factor in the separate grades; (b) adding the grade designated U. S. No. 3, with appropriate references to footnotes 1 and 5, and with limits on factors as listed in the respective column headings as follows: Total 15.0; Splits 8.0; Damaged beans—Total 5.0; Badly damaged 2.0; Contrasting classes 2.0; Foreign material—Total 1.5; Stones 0.6; and Classes that blend 15.0; and (c) including the class Baby Lima beans in this proposal, with the same grade specifications except for sizes. If the class Baby Lima beans is not included in the foregoing proposed revised paragraph (d) the grade requirements for this class will not be changed and will be set up in a new subsection designated (e) following which the present paragraphs (e) (f) and (g) will be redesignated (f) (g) and (h) respectively.

An informal hearing will be held in Los Angeles, California, at which interested persons may submit their views and opinions orally or in writing with respect to the proposed revision, and related matters. The time and place of such hearing will be as follows: January 30, 1956 at 10:00 a. m., in Room 229 Federal Building, Los Angeles, California.

Interested persons may also submit written data, views, or arguments to the Director, Grain Division, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than March 1, 1956. Consideration will be given to all information obtained at the hearing, to written data thus presented to the Director, and to all other information available in the United States Department of Agriculture in arriving at a decision with respect to the proposed revision.

Jason E. Barr, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearing held pursuant to this notice. In case this designee is unable to conduct this hearing any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is authorized to conduct such hearing.

Done at Washington, D. C., this 28th day of December 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator

[F. R. Doc. 55-10576; Filed, Dec. 30, 1955; 8:48 a. m.]

[7 CFR Part 927]

[Docket No. AO-71-A-30]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT, AND TO PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), and in accordance with the notice of hearing issued on August 24, 1955 (20 F R. 6303) a public hearing was conducted at Albany, New York on September 13, 1955 upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927)

The material issues of record are concerned with:

1. The classification of milk received at plants in the marketing area directly from farms on bulk tank pickup routes; and

2. The application of location differentials to milk on bulk tank pickup routes.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on October 31, 1955 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on November 3, 1955 (20 F R. 8266)

Rulings. Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Acting Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Certain of the findings and conclusions and the proposed effectuating amendment as set forth in the recommended decision have been revised after consideration of such exceptions.

To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions filed to the recommended decision, such exceptions are overruled. Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are affirmed except as modified by the findings and conclusions set forth herein.

To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Findings and conclusions. The findings and conclusions hereinafter set forth are based upon the evidence in the record of the hearing.

Functions, such as the weighing, sampling and testing of producers' milk which take place at a plant when milk is received from producers in cans, are performed by the trucker at the farm when milk is transferred in bulk directly from a farm tank to a tank truck. The proposals considered at this hearing are concerned with specific and immediate problems relative to the classification and pricing of milk received from producers on such bulk tank pickup routes pending the consideration of more comprehensive proposals for classifying and pricing such milk. The amendments set forth herein, therefore, are not expected to provide long run solutions to the problems involved.

Issue No. 1. It is concluded that the order should be amended to provide that milk received at a plant in the marketing area directly from producers by tank truck shall be assigned to Class I–A prior to the assignment to Class I–A of milk from other plants.

Under existing provisions of the order milk received at a plant in the marketing area directly from producers whether in cans or by tank truck is classified at the plant where received in the marketing area. Accordingly, all or a portion of the milk thus received directly from producers at a plant in the marketing area may be classified in classes other than I–A depending upon the quantity of milk classified in such other classes at the plants in the marketing area. On the other hand, if milk is received from producers at a plant outside the marketing area and then shipped as fluid milk to a plant in the marketing area, all of such milk received at the marketing area plant is classified in Class I–A. An advantage thus accrues to an operator of a plant in the marketing area who receives milk by tank truck directly from producers in comparison with another handler whose entire supply of fluid milk is shipped from a plant outside the marketing area. The existence of this advantage constitutes an incentive for the substitution of milk directly from producers by tank truck for milk now received from country plants and constitutes a means of reducing the quantity of milk classified in Class I–A and a consequent reduction in over-all returns to producers.

Only a relatively small volume of milk is at present being received at plants in the marketing area by tank truck directly from producers. During the month of June 1955 milk was received from only 115 producers directly by tank truck at plants in the marketing area. The volume of milk thus received was approximately 4.8 million pounds. During the same month the total quantity of pool milk was 854.6 million pounds and was received from a total of 50,175 producers. The number of producers from which milk was received directly by tank truck at plants in the marketing area increased each month during the first half of 1955, the increase being from 57 in January to 118 in July. Approximately 50 additional producers deliver by tank truck directly to plants located other than in the marketing area or in the location differential area.

Representatives of handlers and producers who testified at the hearing expressed the view that a much more rapid expansion in the volume of milk received by tank truck directly from producers would probably occur under existing provisions of the order. It was proposed at the hearing that all milk received at marketing area plants by tank truck directly from producers be classified as Class I–A on the basis that the proposal contained in the hearing notice, providing for the prior assignment of such milk in Class I–A, did not go far enough in that an opportunity would remain under certain circumstances for the classification of such milk in lower priced classes. It was not demonstrated, however, that such circumstances currently prevailed or that they are in prospect to an extent sufficient to detract materially from the effectiveness of the prior assignment amendment.

Issue No. 2. It is concluded that the order should be amended to provide for the payment of the 20- or 30-cent location differentials on milk shipped directly from the farm to a plant by tank truck only under the following circumstances:

(1) If such milk is delivered from a farm from which milk was delivered to a pool plant in any of the months of August through November 1955, the rate of the location differential should be no higher than the highest rate applicable to milk delivered from the same farm during any of such months; and

(2) If such milk is delivered by a producer from a farm from which no milk was delivered to a pool plant during any of the months of August through November 1955, the location differential payable on such milk should be at the rate of 20 cents if the farm (milk house) from which delivery is made is located in one of the counties in the location differential area and at the rate of 30 cents if delivery is made from a farm located in the marketing area.

This amendment is designed to prevent any significant increase in the number of producers qualifying for the 20- or 30-cent location differentials on milk shipped directly from the farm to a plant by tank truck. Under present order provisions a location differential of 20 cents per hundredweight is payable to producers for milk delivered to plants located at certain specified locations or within the boundaries of specified counties, and a location differential of 30 cents is payable to producers delivering milk directly to plants located within the marketing area. Such differential payments to producers are deducted out of the pool, and handlers are required to pay an additional 5 cents per hundredweight for such location differential milk.

Historically, these location differentials have applied to milk received from producers whose farms are located in or closely surrounding the marketing area or the defined nearby location differential territory. Virtually all of the producers now delivering milk by tank truck directly to plants in the marketing area either formerly delivered in cans to location differential plants or operate farms located in the location differential area. Under existing provisions of the order the bulk tank method of delivery makes it possible for producers now receiving the 20-cent location differential to become eligible for the 30-cent differential and for other producers, irrespective of their farm locations, to become eligible for location differentials at either the 20- or 30-cent rate. Such a development would not only appear to be contrary to the intent and purpose of the location differential provision but would have the effect of reducing the uniform price to all other producers.

Representatives of producers and handlers testified at the hearing that the present location differential provisions as they apply to bulk tank milk constitute an unwarranted and unjustified incentive for the expansion of bulk tank pickup routes, and that the incentive should be eliminated before significant investments are made by producers and handlers in bulk tank operations in anticipation of location

differentials out of the pool. Various proposals were made at the hearing for restricting the payment of location differentials on bulk tank milk. The proposed amendment herein set forth is designed to accomplish the primary purpose of all such proposals, and at the same time avoid the administrative problems involved in ascertaining the delivery practice of individual producers over extended periods.

The recommended decision proposed that producers who during August 1955 qualified for location differentials on milk delivered by tank truck be eligible to receive the highest location differential applicable to milk delivered from the farm of such producer during that month. It was contended that using August 1955 and that month alone as a basing period for such action would be inequitable in that some producers may have, for suitable reasons beyond their control, been off the market during August. Using the months of August through November 1955 as the period when tank truck deliveries from his farm to a pool plant would qualify such a producer for location differentials at the highest rate received during any such month will insure equitable treatment to all producers concerned.

With respect to producers whose farms are located outside the location differential areas the recommended decision provided that such producers not be eligible to qualify for location differentials on milk delivered by tank truck to location differential plants after August 1955. Exception was taken to providing for a cut-off date so far removed from the effective date of the amendment since some producers may have made commitments to changeover to a bulk tank operation prior to the hearing without having such changeover completed by August. In view of this, it is concluded that the period August through November 1955 constitutes a reasonable and practicable time after which producers located outside the location differential area may not qualify for location differentials on milk delivered directly by tank truck to location differential plants.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of October 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the New York metropolitan milk marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing area.

Marketing agreement and order as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Amend § 927.35 (a) by adding the following proviso: *"Provided,* That at a plant in the marketing area milk received directly from producers by tank truck shall be assigned to Class I-A prior to the assignment of milk from other plants to Class I-A."

2. Amend § 927.60 (f) by adding the following: *"Provided,* That with respect to milk received by tank truck directly from a farm from which milk was delivered to a pool plant during any of the months of August through November 1955, such deduction shall be at a rate no higher than the highest rate applicable to milk delivered from the same farm in any of such months: *Provided further,* That with respect to milk received by tank truck directly from a farm from which no milk was delivered to a pool plant during any of the months of August through November 1955, such deduction shall be at the rate of 20 cents per hundredweight if the milk house of such farm is located in one of the counties listed in this paragraph, such deduction shall be at the rate of 30 cents per hundredweight if the milk house of such farm is located in the marketing area, and no deduction shall be made pursuant to this paragraph if the milk house of such farm is not located either in the marketing area or in one of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders, have been met.

counties listed in this paragraph: *And provided further* That for purposes of this paragraph the producer operating a farm shall be considered to have been the producer during any of the months of August through November 1955 if the market administrator determines that milk from such farm was delivered to a pool plant during any of such months regardless of any change in farm operator subsequent to such months."

[F. R. Doc. 55-10580; Filed, Dec. 30, 1955; 8:49 a. m.]

[7 CFR Ch. IX]

Handling of Milk in New York-New Jersey Area

Notice of Opportunity to Submit Proposals

A statement issued by the Secretary of Agriculture on December 15, 1955, contemplated the scheduling of a public hearing in connection with proposed regulation of the handling of milk in the New York-New Jersey area and invited interested parties to submit proposals for consideration at such hearing.

The full text of the Secretary's statement is as follows:

In contemplation of the scheduling of any public hearing relative to proposed new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area, three public meetings have been held by the Department. Such meetings were in session for a total of 17 days (July 18–22, October 4–7, and November 14–23).

A determination was made on October 21, 1955, that the maximum additional territory (outside the New York marketing area) for which new or revised regulation would be considered at a public hearing is the territory within the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren; and the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster.

The question considered at the last public meeting (concluded on November 23) was whether, for purposes of a subsequent notice or notices of hearing, the handling of milk in the additional territory should be regulated (a) in combination with the present New York milk marketing area under a single order, or (b) by means of one or more separate new orders. The information presented at these meetings has been reviewed and analyzed.

I have given very careful consideration to this complicated problem and have concluded that recognition must be given to the following principles in establishing any new or revised regulation for the territory under consideration:

1. The proximity of Northern New Jersey to metropolitan New York and the fact that there is to a considerable degree a common source of supply, make the marketing and pricing of all milk in this region closely interdependent.

2. The apparent desire and determination of certain groups of producers and handlers for one or more separate marketing orders, and the apparent desire and determination of other groups of producers and handlers for a single marketing order for the entire marketing area constitute differences only as to means of accomplishing an objective rather than disagreement regarding the basic objective of providing orderly marketing in the entire area.

3. The legitimate interests and obligations of various producer groups must be recognized and provided for regardless of whether regulation is by one order or more than one order.

4. Among the interests of New Jersey producers is the recognition of any natural economic advantages accruing from nearness to market and any better adjustments they may have made in fitting their pattern of production to market needs. Associated with these interests is the need to assume a responsibility for carrying the surplus connected with the fluid milk supply for Northern New Jersey.

5. Among the interests of producers now under the New York order is the recognition that they should not be required to carry the surplus for Northern New Jersey without the benefits that accrue from sales of fluid milk there, and that they should not be subjected to chaotic marketing conditions which might result from ill-conceived Federal regulation. On the other hand, they have the obligation of supporting the type of additional Federal regulation which would protect the legitimate interests of the additional producers to whom such regulation would apply.

6. Either a comprehensive order or a separate order for New Jersey must be devised so as: (a) To insure that producers under either type of order carry the surplus associated with their fluid outlets, and (b) to achieve the required stability throughout the entire metropolitan milkshed without forcing disorderly and abnormal maneuvering of supplies and outlets.

After establishing the above set of principles, I have decided to invite interested parties to submit proposals containing terms and provisions which are in accordance with such principles and which are in one of the following forms:

(1) A single order covering all of the milk supply for the present Order No. 27 marketing area plus all or a portion of the additional territory under consideration, with adequate provisions (a) for protecting the interests of New Jersey producers because of their location and the degree of adjustments of their production to market outlets, and (b) for solving marketing problems not now adequately handled under Order No. 27.

(2) A separate order for New Jersey, with or without all or a portion of the six nearby New York counties, and which will include terms and provisions under which such order will (a) carry the surplus associated with its fluid outlets, (b) provide for such minimum uniform prices to producers that there will be no incentive for uneconomic and disorderly shifting of producers or plants from one market outlet to another, and (c) provide for close alignment of minimum class prices. Any such proposed order should be accompanied by proposed amendments to Order No. 27 for purposes of making the two orders complementary.

The purpose of the decision today setting forth the principles which should be followed in developing new or revised regulation for the area, rather than to outline the precise form of regulation, should shorten the time required to get the necessary new or revised regulation into effect.

Proposals should be forwarded in quadruplicate to the Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received there on or before January 16, 1956.

Issued at Washington, D. C., this 27th day of December 1955.

[SEAL] Roy W. Lennartson,
Deputy Administrator.

[F. R. Doc. 55-10577; Filed, Dec. 30, 1955; 8:48 a. m.]

Agricultural Research Service

[9 CFR Part 27]

Imported Meat, Meat Food Products, and Meat Byproducts

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture is considering amending Section 27.2 of the Federal Meat Inspection Regulations (9 CFR 27.2 as amended) issued under section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) by adding the Republic of Costa Rica to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Chief of the Meat Inspection Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the Federal Register.

Done at Washington, D. C., this 28th day of December 1955.

[SEAL] M. R. Clarkson,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 55-10582; Filed, Dec. 30, 1955; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

Sugar Quota for the Mainland Cane Sugar Area, 1956

Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. 1100) and in accordance with the applicable rules of practice and procedure (7 CFR 801, et. seq.) the Secretary of Agriculture has, after due notice (20 F. R. 7315) and hearing, found that allotment of the 1956 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar and has established allotments of such quota equal to 80 percent of the 1955 allotments to be in effect until allotments of the 1956 sugar quota for the Mainland Cane Sugar Area are prescribed (20 F. R. 9851)

Notice is hereby given that a public hearing will be held at New Orleans, Louisiana, in the auditorium of the International House, on January 19, 1956, beginning at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1956 among persons who market sugar processed from sugarcane produced in the Mainland Cane Sugar

Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment, and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "Ability to market," as provided in section 205 (a) of the said act, should be measured; and (2) the relative weightings which should be given to those factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) allotting any additional quota resulting from proration of area deficits, or allotting any deficit in the allotment for any allottee, and (2) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

Issued this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10583; Filed, Dec. 30, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 146]

[Delegation of Authority 89]

EXECUTIVE DIRECTOR, BONN, AND DIRECTOR OF ADMINISTRATION, VIENNA

DELEGATION OF AUTHORITY

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. III, 5 U. S. C. 151c and 22 U. S. C. 811a),

And by virtue of the authority vested in me by Delegation of Authority No. 78-B, dated October 29, 1955, there is hereby delegated to the Executive Director of the American Embassy, Bonn, Germany, and to the Director of Administration for the American Embassy, Vienna, Austria, the authority contained in the annual appropriation "Government in Occupied Areas, Department of State", to approve and settle tort claims in Germany and Austria in the manner authorized in the first paragraph of section 2672, as amended, of Title 28 of United States Code.

Dated: December 23, 1955.

I. W CARPENTER, Jr.,
Assistant Secretary-Controller

[F. R. Doc. 55-10468; Filed, Dec. 30, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

LYNN S. MADSEN

STATEMENTS AS TO APPOINTMENT AND FINANCIAL INTERESTS

On December 7, 1954, the Secretary of the Interior appointed Mr. Lynn S. Madsen, under subsection (a) of section 101 of Executive Order 10182, as amended, as a Foreign Petroleum Analyst, Oil and Gas Division, Office of the Secretary of the Interior. Mr. Madsen's private employer was and is the Arabian American Oil Company with its principal place of business in New York, N. Y.

Mr. Madsen is continuing to work in the same capacity, pending the near completion of the project for which he was employed, but the Oil and Gas Division has been redenominated the Office of Oil and Gas.

This statement is made for publication in the FEDERAL REGISTER pursuant to the requirements of section 304 of Executive Order 10647, "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended."

CLARENCE A. DAVIS,
Acting Secretary of the Interior

DECEMBER 27, 1955.

Statement as to Financial Interests

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment, on December 3, 1954, as Foreign Petroleum Analyst, Oil and Gas Division (now Office of Oil and Gas) an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Mueller Brass.
Union Electric of Missouri.
Heyden Chemical.
Dow Chemical.
Technicolor.
Sperry Rand.
United States Government Bonds.
Bank deposits: Chase Manhattan of New York; Riggs National of Washington, D. C.

I am on leave of absence with pay from Arabian American Oil Company and, as such, entitled to continue participation in the Company's employee benefit plans including provisions for health insurance, retirement, etc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: December 7, 1955.

LYNN S. MADSEN.

[F. R. Doc. 55-10534; Filed, Dec. 28, 1955; 1:20 p. m.]

POSITION SCHEDULE BOND

A position schedule bond, effective January 1, 1956, has been obtained by the Department of the Interior under 6 U. S. C., sec. 14, as amended covering the following positions:

1. Certifying Officers.
2. Imprest Fund Cashiers.
3. Agent Cashiers.
4. Assistant Disbursing Officers.
5. Collection Officers.
6. Property Accountability Officers.
7. Disbursing Agents (Bureau of Indian Affairs)
8. Field Administrators (Bureau of Indian Affairs)
9. Auditors (The Alaska Railroad)
10. Land Title Officers (Bonneville Power Administration)

6 U. S. C., sec. 14, as amended provides in part, "Wherever any civilian officers or employees or military personnel are covered by a bond under this section, the surety or sureties on any existing bond of any such civilian officers or employees or military personnel shall not be liable for any defaults accruing subsequent to the date of the new coverage."

D. OTIS BEASLEY,
Administrative Assistant Secretary.

DECEMBER 29, 1955.

[F. R. Doc. 55-10610; Filed, Dec. 30, 1955; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE H. COMPTER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: George H. Compter.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 27, 1955, Special Assistant to the Director.
4. Title of position: November 10, 1955, Consultant.
5. Name of private employer: Ford Instrument Company, Division of Sperry Rand Corporation.

JOHN F. LUKENS,
Acting Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

6. a. City Service Corporation (5) shares. Judicial Account less than $500 and bank deposit.

Judicial Account represents equity in Atlas Corporation.

Ford Instrument Company as employee.

Dated: December 27, 1955.

GEORGE H. COLPITER.

[F. R. Doc. 55-10575; Filed, Dec. 28, 1955; 5:09 p. m.]

HAROLD L. GRAHAM, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Harold L. Graham, Jr.

2. Employing agency: Department of Commerce.[1]

3. Date of appointment: June 28, 1955.

4. Title of position: Consultant (Air Transportation)

5. Name of private employer: Resort Airlines, Inc.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

President and Director, Resort Airlines, N. C.

Resort Airlines, N. C. (Common).

Resort Airlines, Delaware (Preferred) (Common).

Bank deposits.

Dated: December 20, 1955.

HAROLD L. GRAHAM, JR.

[F. R. Doc. 55-10602; Filed, Dec. 29, 1955; 11:11 a. m.]

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[1] Office of the Under Secretary for Transportation, Defense Air Transportation Administration.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 55-1267]

[Docket Nos. 11124, etc.]

HAROLD M. GADE ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231, Herbert Scott and Ralph E. P Mellon d/b as Long Branch Broadcasting Company, Long Branch, New Jersey, Docket No. 11587, File No. BP-9771, for Construction Permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration the above-entitled application of Herbert Scott and Ralph E. P. Mellon d/b as Long Branch Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1410 kilocycles with a power of 500 watts, daytime only, at Long Branch, New Jersey;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation is mutually exclusive with the above-entitled applications of Harold M. Gade and Monmouth County Broadcasters; that the proposed Long Branch Broadcasting Company operation may involve interference with Station WGTH, Hartford, Connecticut (1410 kc, 5 kw, DA-2, U) and that measurements would be required to prove the 2 mv/m contour of Station WNJR, Newark, New Jersey (1430 kc, 5 kw, DA-N, U) would not overlap with the 25 mv/m contour of the proposed Long Branch Broadcasting Company operation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, Long Branch Broadcasting Company was advised by letters dated June 3 and October 13, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of its application would be in the public interest; and

It further appearing that in a reply letter dated November 10, 1955, Long Branch Broadcasting Company requested that its application be designated for hearing with the other competing applications; and

It further appearing that in a reply letter dated June 7, 1955, Station WNJR requested that the subject application be designated for hearing and that it would appear and participate; and

It further appearing that in a reply filed October 31, 1955, WGTH opposed a grant of the proposed Long Branch Broadcasting Company operation on the basis of interference to WGTH, and

It further appearing that the applications of Harold M. Gade and Monmouth County Broadcasters were first scheduled for hearing to begin on February 8, 1955; that the Hearing Examiner has successively postponed the hearing date; and that the hearing is now continued without date; and

It further appearing that the Commission, after consideration of the above replies is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application of Long Branch Broadcasting Company is designated for hearing in a consolidated proceeding with the applications of Harold M. Gade (Docket No. 11124, File No. BP-9096) and Monmouth County Broadcasters (Docket No. 11125, File No. BP-9231) at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the station proposed by the Long Branch Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Long Branch Broadcasting Company would involve objectionable interference with Station WGTH, Hartford, Connecticut, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the 2 mv/m contour of Station WNJR, Newark, New Jersey, would overlap the 25 mv/m contour of the proposed operation of Long Branch Broadcasting Company in violation of the Commission's Engineering Standards.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if any, of the above-entitled applications of Harold M. Gade; Monmouth County Broadcasters; and Long Branch Broadcasting Company would provide the most fair, efficient and equitable distribution of radio service.

5. To determine, on a comparative basis, which of the stations proposed in the above-entitled applications of Harold M. Gade; Monmouth County Broadcasters; and Long Branch Broadcasting Company would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the above-described issues Nos. 4 and 5 are made issues in the proceeding in Docket Nos. 11124 and 11125; and

It is further ordered, That the General-Times Television Corporation, licensee of Station WGTH, Hartford, Connecticut, and Rollins Broadcasting,

Inc., licensee of Station WNJR, Newark, New Jersey, are made parties to the proceeding;

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: December 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10589; Filed, Dec. 30, 1955; 8:51 a. m.]

[FCC 55-1272]

[Dockets Nos. 11544, 11545]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER AMENDING PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration proposals to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that Notices of Proposed Rule Making (FCC 55-1118 and 55-1119) setting forth the above amendments were issued by the Commission on November 10, 1955, and were duly published in the FEDERAL REGISTER (20 F R. 8527 and 20 F R. 8504) which notices provided that interested parties might file statements or briefs with respect to the said amendments on or before December 9, 1955; and

It further appearing that in neither case were any comments filed opposing the proposed amendments; and that only two comments were received favoring the proposed amendments, both in connection with the allocation of a channel to Greeneville, Tennessee;

It further appearing that the adoption of the proposed amendments would facilitate consideration of a pending application from Station WLOE-FM, Leaksville, North Carolina, to change its channel assignment from Channel No. 247 to 233 to eliminate television interference caused by its present operations on Channel No. 247, and would facilitate consideration of a pending application filed by Radio Greeneville, Inc., for a new FM broadcast station in Greeneville, Tennessee;

It further appearing that authority for the adoption of the proposed amendments is contained in sections 4 (i) 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following cities:

General area	Channel No.	
	Delete	Add
Leaksville, N. C.	247	233
Greeneville, Tenn.		235
Greenville, S. C.	235	246
Clemson, S. C.	246	271

Released: December 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-10590; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55-1249]

[Docket Nos. 11584, 11585]

VIDEO INDEPENDENT THEATRES, INC., AND KICA, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Video Independent Theatres, Inc., Clovis, New Mexico, Docket No. 11584, File No. BPCT-2013; KICA, Inc., Clovis, New Mexico, Docket No. 11585, File No. BPCT-2038; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 at Clovis, New Mexico; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications are mutually exclusive, of the necessity for a hearing thereon, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act a hearing is mandatory; that KICA, Inc., and Video Independent Theatres, Inc., are legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated in a subsequent order, to determine on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity in the light of the record made with respect to significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-10591; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55M-1063]

[Docket Nos. 11580, 11581]

SHASTA TELECASTERS AND SACRAMENTO BROADCASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of Laurence W Carr, George C. Fleharty, William B. Nystrom, C. T. Ross, George H. Voorhies, Carl R. McConnell, Morris K. Cohen and Robert L. Hammett d/b as Shasta Telecasters, a joint venture, Redding, California, Docket No. 11580, File No. BPCT-2010; Sacramento Broadcasters, Inc., Redding, California, Docket No. 11581, File No. BPCT-2022; for construction permits for new television broadcast stations.

It is ordered, This 22d day of December 1955, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 24, 1956, in Washington, D. C.

Released: December 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-10592; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55M-1064]

[Docket Nos. 11582, 11583]

DALE R. CURTIS AND TOOELE COUNTY RADIO AND TELEVISION BROADCASTING, INC.

ORDER SCHEDULING HEARING

In re applications of Dale R. Curtis, Salt Lake City, Utah, Docket No. 11582, File No. BP-9925; Tooele County Radio and Television Broadcasting, Inc., Tooele, Utah, Docket No. 11583, File No. BP-9966; for construction permits.

It is ordered, This 22d day of December 1955, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 24, 1956, in Washington, D. C.

Released: December 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10593; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55M-1068]

[Docket Nos. 11287 etc.]

EL MUNDO, INC.

ORDER CONTINUING HEARING

In re Applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce de Leon Broadcasting Company, Inc. of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT-1911; For Construction Permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed on December 20, 1955, on behalf of Ponce de Leon Broadcasting Company, Inc., of P. R., requesting that the hearing now scheduled to be held on December 29, 1955, be continued until Friday, February 17, 1956; and

It appearing that sufficient "good cause" has been set forth in the said motion to warrant the postponement requested therein and that all of the parties to the proceeding have consented to a grant thereof;

It is ordered, this 23d day of December 1955, that the above motion be, and it is hereby granted; and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Friday, February 17, 1956, in the offices of this Commission, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10594; Filed, Dec. 30, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6554 etc.]

CLAUDE E. HEARD ET AL.

NOTICE OF FINDINGS AND ORDER

DECEMBER 27, 1955.

In the matters of Claude E. Heard and Estill S. Heyser, Jr., Docket No. G-6554; Beal Associates, Docket No. G-6558; Dacresa Corporation, Docket No. G-6561, John W Watson, Docket No. G-6562.

Notice is hereby given that on December 27, 1955, the Federal Power Commission issued its findings and order adopted December 20, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10531; Filed, Dec. 30, 1955; 8:45 a. m.]

[Docket No. G-9812]

GULF INTERSTATE GAS CO.

ORDER INSTITUTING INVESTIGATION

Gulf Interstate Gas Company (Gulf Interstate), a Delaware corporation having its principal place of business in Houston, Texas, is engaged in the transportation of natural gas in interstate commerce and, therefore, is a natural-gas company within the meaning of the Natural Gas Act as heretofore found by the Commission by order issued May 20, 1953, in Docket No. G-2058.

Gulf Interstate is a gas transmission company which transports natural gas from Louisiana to Kentucky solely for the United Fuel Gas Company (United Fuel) under a cost of service formula rate. The cost of service and rates based thereon for natural gas sold for resale by United Fuel, subject to the Commission's jurisdiction, are involved in Dockets Nos. G-2451 and G-5475. A substantial element of cost to United Fuel is the amount paid to Gulf Interstate for transportation of gas.

During investigation of United Fuel's costs, questions have arisen regarding certain items of cost included in Gulf Interstate's rates and charges to United Fuel and the classification of such items of cost by accounts. These items of cost involve, among others, the actual legitimate cost of the property of the company, other rate base elements, the return thereon, rates of depreciation, taxes, and operating and maintenance costs.

The rates, charges and classifications for the transportation of natural gas by Gulf Interstate, subject to the jurisdiction of the Commission, and the rules, regulations, practices and contracts relating thereto may be unjust, unreasonable, unduly discriminatory or preferential as a result, among others, of improper classification of cost by accounts, use of improper amounts as the actual legitimate cost of the property of the Company, use of improper or inadequate rates of depreciation, rate of return claimed, or improper charges for taxes or operating and maintenance expenses:

The Commission finds: (1) It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, particularly sections 5, 6, 8, 9, 15 and 16, that an investigation be instituted by the Commission on its own motion into and concerning the actual legitimate cost of the property of the Company, the rate or rates of depreciation of such property, the fair rate of return, the classification of costs by accounts, and the integral components of the rates and charges demanded and collected by Gulf Interstate Gas Company for the transportation of natural gas, subject to the jurisdiction of the Commission, and any practices or contracts affecting or relating to such rates or charges.

The Commission orders:

(A) An investigation of Gulf Interstate Gas Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine the actual legitimate cost of the property of Gulf Interstate Gas Company· (2) to determine the proper and adequate rate or rates of depreciation for such property· (3) to determine the fair rate of return for the Company· (4) to determine the proper account classification of the costs of said Company· (5) to determine with respect to said Company whether in connection with the transportation of natural gas, subject to the jurisdiction of the Commission, any rates or charges demanded or collected or any practices or contracts affecting or relating to such rates or charges are unjust, unreasonable, unduly discriminatory or preferential; and (6) if the Commission shall determine that any or all of the foregoing items have been improperly determined or utilized by Gulf Interstate, to prescribe (a) the actual legitimate cost of the property, (b) the rate or rates of depreciation to be used, (c) the fair rate of return, (d) the account classification for Gulf Interstate's costs, and (e) the basis of the rates or charges to United Fuel Gas Company and any rules, regulations, practices or contracts affecting or relating to such rates or charges to be observed and in force.

(B) Pursuant to the authority contained in sections 5, 6, 8, 9, 15 and 16 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

Adopted: December 7, 1955.

Issued: December 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10532; Filed, Dec. 30, 1955; 8:45 a. m.]

[Docket No. G-8514]

PULLMAN OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 27, 1955.

Take notice that Pullman Oil & Gas Company (Applicant), a West Virginia corporation whose address is Harrisville, West Virginia, filed on February 24, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the aplication which is on file with the Commission and open for public inspection.

Applicant produces gas from certain lands in Ritchie County, West Virginia, which it proposes to sell to Carnegie Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 1, 1956 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10533; Filed, Dec. 30, 1955; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 59]

JAMESTOWN AREA FURNITURE HAULERS ASSN., INC.

APPLICATION FOR APPROVAL OF AGREEMENT

DECEMBER 28, 1955.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed December 20, 1955 by Kenneth T. Johnson, Attorney, Bank of Jamestown Building, Jamestown, N. Y.

Agreement involved: An agreement between and among motor common carriers members of the Jamestown Area Furniture Haulers Association, Inc., relating to rates, exceptions to classifications, ratings, rules, regulations or practices applicable to the transportation in interstate or foreign commerce of new furniture between points in Chautauqua and Cattaraugus Counties, N. Y., and Warren County, Pa. on the one hand and, on the other, points in the United States, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-10470; Filed, Dec. 30, 1955; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of the Air Force

INFORMATION AS TO APPOINTMENTS AND FINANCIAL INTERESTS OF EMPLOYEES

DECEMBER 26, 1955.

The information required by section 302 (a) and 302 (b) of Executive Order 10647 is attached for each of the four employees of the Department of the Air Force who were appointed under Executive Order 10182.

DONALD A. QUARLES,
Secretary of the Air Force.

JOHN W. McEACHREN

INFORMATION REQUIRED BY SECTION 302 (a)

(1) John W. McEachren.
(2) Office, Secretary of the Air Force.
(3) Consultant: WOC.
(4) Partner: Touche, Niven, Bailey & Smart.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Force.

The following information is supplied for the purpose of compliance under the President's Executive Order 10647:

(1) None.
(2) Thomas Industries, Inc., Scudder, Stevens & Clark Stock Fund.
(3) Touche, Niven, Bailey & Smart.
(4) None.

Dated: December 22, 1955.

JOHN W. McEACHREN.

HERMAN W. BEVIS

INFORMATION REQUIRED BY SECTION 302 (a)

(1) Herman W. Bevis.
(2) Office, Secretary of the Air Force.
(3) Consultant: WOC.
(4) Partner: Price Waterhouse & Co.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Force.

With respect to Executive Order 10647, I wish to advise you as follows:

The only organization of the type described in the Executive Order in which I now, on September 30, 1955, or within the sixty days preceding that date held a financial interest of any kind was in the accounting firm (partnership) of Price Waterhouse & Co.

Dated: December 21, 1955.

HERMAN W. BEVIS.

ROBERT M. TRUEBLOOD

INFORMATION REQUIRED BY SECTION 302 (a)

(1) Robert M. Trueblood.
(2) Office, Secretary of the Air Force.
(3) Consultant: WOC.,
(4) Partner: Touche, Niven, Bailey & Smart.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Staff.

The following information is supplied for the purpose of compliance under the President's Executive Order 10647:

(1) None.
(2) Thomas Industries, Inc.
(3) Touche, Niven, Bailey & Smart.
(4) None.

Dated: December 20, 1955.

ROBERT M. TRUEBLOOD.

JOHN B. INGLIS

INFORMATION REQUIRED BY SECTION 302 (a)

(1) John B. Inglis.
(2) Office, Secretary of the Air Force.
(3) Consultant; WOC.
(4) Partner: Price Waterhouse & Co., Stagg, Mather & Hough.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Staff.

With respect to Executive Order 10647, I wish to advise you as follows:

On September 30, 1955, or within 60 days preceding that date, I owned common stocks in the following corporations: Continental Oil Company, Fibre Products Company, Hercules Motor Company, Kennecott Copper Company, Missouri Public Service, Ohio Oil Company, Philco Corporation, Phillips Petroleum Company, Southern Pacific Company, Texas Company, Weyerhauser Company.

On September 30, 1955, or within 60 days preceding that date, I was, and still am, a partner in the following partnerships: Price Waterhouse Co., Stagg, Mather & Hough.

Dated: December 22, 1955.

JOHN B. INGLIS.

[F. R. Doc. 55-10608; Filed, Dec. 29, 1955; 4:34 p. m.]

Office of the Secretary of the Army

REPORT OF APPOINTMENTS OF CONSULTANTS IN ORDNANCE CORPS

Report of appointment, as required by section 302 (a) of Executive Order 10647, for those consultants (WOC) who have submitted statements of financial interest with the Federal Register.

Name	Agency	Title	Private employer
Ralph M. Besse	Cleveland Ordnance District.	District Chief	Cleveland Electric Illuminating Co., Cleveland, Ohio.
Kenneth B. Coates	Detroit Ordnance District	do	B/W Controller Corp., Birmingham, Mich., Thurman Lumber Co., Howell, Mich.
Albert W. Gilmer	Philadelphia Ordnance District.	do	Partner with Barnes, Pickett, Price, Myers & Rhoads Law Firm, Philadelphia, Pa.
Byron Claude Heacock	San Francisco Ordnance District.	do	Retired.
Edward F. McCrossin	New York Ordnance District.	do	Self-employed, McCrossin & Co., New York, N. Y.
Charles F. Mosher	Rochester Ordnance District.	do	Henderson-Mosher, Inc. Rochester, N. Y.
William J. Rushton	Birmingham Ordnance District.	Consultant	Protective Life Insurance Co. Birmingham, Ala.
Vivian O. Figge	Rock Island Arsenal	do	Davenport Bank & Trust Co. Davenport, Iowa.
Maurice A. Fraher	do	do	Deere & Co., Moline, Ill.
Harry William Getz	do	do	Williams, White & Co., Moline, Ill.; Moline Force, Inc., Moline, Ill.
James M. Hutchinson	do	do	Davenport Bank & Trust Co., Davenport, Iowa.
John S. Pfeil	Boston Ordnance District	District Chief	Stone & Webster, Inc., Boston, Mass.
Harry S. Robinson	Cincinnati Ordnance District.	do	Retired.
C. L. Rugg	Detroit Ordnance District	Consultant	The Manufacturers National Bank of Detroit, Detroit, Mich.
Arthur J. Fushman	do	do	Do.
Milton Drake	do	do	The Detroit Bank, Detroit, Mich., Drake & Wallace Realty Co., St. Joseph, Mich., Silver Beach Amusement Co., St. Joseph, Mich., Silver Beach Center Co., St. Joseph, Mich.
J. A. Zinn	do	do	National Bank of Detroit, Detroit, Mich.
Claude S. Lawson	Birmingham Ordnance District.	District Chief	U. S. Pipe & Foundry Co.

JOHN W. MARTYN,
Administrative Assistant.

[F. R. Doc. 55-10556; Filed, Dec. 28, 1955; 4:59 p. m.]

RALPH M. BESSE

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) The Cleveland Electric Illuminating Co., Officer, Director and Stockholder.

The Cleveland Trust Co., Director and Stockholder.

Bank of America, Stockholder.

Canada General Fund Ltd., 1954; Stockholder.

Del Monte Properties Co., Stockholder.

The Dow Chemical Co., Stockholder.

Gerber Products Co., Stockholder.

Harris-Seybold Co., Stockholder.

Massachusetts Investment Trust Co., Stockholder.

The Naples Co., Stockholder and holder of Debentures.

National Screw & Mfg. Co., Stockholder.

Ohio Oil Co., Stockholder.

Producing Properties, Inc., Stockholder and holder of Debentures.

Royal Dutch Petroleum; Stockholder.

Socony Vacuum Oil Co., Stockholder.

Southern Production Co., Stockholder.

Standard Oil of New Jersey; Stockholder.

Television Electronics Fund; Stockholder.

Tennessee Gas & Transmission Co., Stockholder.

Texas Eastern Transmission Co., Stockholder.

U. S. Gypsum Co., Stockholder.

(2) None.

(3) None.

Dated: December 19, 1955.

RALPH M. BESSE.

[F. R. Doc. 55-10557; Filed, Dec. 28, 1955; 4:59 p. m.]

KENNETH B. COATES

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) Michigan Plating & Stamping Company, Grand Rapids, Michigan; Director.

Watson Industries, Inc., 7405 Lyndon Avenue, Detroit 33, Michigan; Secretary and Director.

B/W Controller Corporation, East Maple Road, Birmingham, Michigan; Director.

Michigan Plating & Stamping Company, above; Stockholder.

Watson Industries, Inc., above; Stockholder.

B/W Controller Corporation, above; Stockholder.

National Steel Corporation, Grant Building, Pittsburgh, Pa., Stockholder.

(2) None.

(3) Real Estate, Livingston County, Brighton, Michigan. Insurance, Northwestern Mutual, Equitable, Travelers.

Dated: December 20, 1955.

KENNETH B. COATES.

[F. R. Doc. 55-10558; Filed, Dec. 28, 1955; 5:00 p. m.]

ALBERT W. GILMER

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

1. The names of any corporations of which I am an officer or director or within sixty days preceding appointment have been an officer or director, or in which I own or within sixty days preceding appointment have owned any stocks, bonds or other financial interests;

2. The names of any partnerships in which I am or within sixty days preceding appointment have been a partner; and

3. The names of any other businesses in which I own or within sixty days preceding appointment have owned any financial interest.

Answers to Foregoing Questions

1. (a) Commercial Banking Corporation, Philadelphia, Pennsylvania; Director.

(b) Honor Foods, Inc., Philadelphia Pennsylvania; Director, Secretary and Treasurer.

(c) Wilmington Realty Company, Wilmington, Delaware; Assistant Secretary.

(d) Chicago & Northwestern Railway, Chicago, Illinois; Stockholder.

(e) East Sugar Loaf Coal Company, Philadelphia, Pennsylvania; Stockholder.

(f) Petroleum Conversion Corporation, Wilmington, Delaware; Stockholder.

(g) Lehigh Coal & Navigation Company, Bethlehem, Pennsylvania, Stockholder.

2. (a) Barnes, Dechert, Price, Myers & Rhoads (Law Firm), Philadelphia, Pennsylvania; Partner.

3. (a) Insurance. The Penn Mutual Life Insurance Company, Fidelity Mutual Life Insurance Company, Prudential Insurance Company of America.

Dated: December 15, 1955.

ALBERT W. GILMER.

[F. R. Doc. 55-10559; Filed, Dec. 28, 1955; 5:00 p. m.]

BYRON C. HEACOCK

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 Dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests:

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) F E. Booth Co., San Francisco; Stockholder, note holder, director.

Caterpillar Tractor Co., Peoria, Ill., Stockholder, director.

Oakland Bank of Commerce, Oakland, California, Stockholder.

South Pacific Airlines, Inc., San Francisco, Calif., director.

Scott Paper Co., Chester, Pa., Stockholder.

(2) None.

(3) Ordinary Life Insurance, Metropolitan Life Insurance Co., New York City, N. Y.

Dated: December 18, 1955.

BYRON C. HEACOCK.

[F. R. Doc. 55-10560; Filed, Dec. 28, 1955; 5:01 p. m.]

EDWARD F McCROSSIN

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds or other financial interests:

(a) Seaboard Fire & Marine Insurance Company of New York. Director and Stockholder.

(b) Yorkshire Insurance Company of New York. Director.

(c) Yuba Consolidated Goldfields, Inc. of Maine. Director and Stockholder.

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner: None.

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest: McCrossin & Company, sole owner.

Dated: December 14, 1955.

EDWARD F McCROSSIN.

[F. R. Doc. 55-10561; Filed, Dec. 28, 1955; 5:01 p. m.]

CHARLES F MOSHER

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) (a) Henderson-Mosher, Inc., Rochester, N. Y., Chairman of Board of Directors.

(b) Eastman Kodak Co., Rochester, N. Y., Stockholder.

(c) Rochester Gas & Electric Corp., Rochester, N. Y., Stockholder.

(2) None.

(3) None.

Dated: December 15, 1955.

CHARLES F. MOSHER.

[F. R. Doc. 55-10562; Filed, Dec. 28, 1955; 5:01 p. m.]

WILLIAM J. RUSHTON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The following is a list of all the corporations of which I am now or have been within sixty days an officer or director:

Protective Life Insurance Company· President.

First National Bank of Birmingham; Director.

Gulf, Mobile and Ohio Railroad Co., Director.

Alabama Power Company· Director.

Moore-Handley Hardware Co., Director.

Birmingham Ice & Cold Storage Co., Secretary and Director.

I own stock in each of the foregoing corporations and, in addition thereto, I own stock in the Coca-Cola Bottling Company, The Chattanooga Coca-Cola Bottling Company, Darlington-Hartsville Coca-Cola Bottling Company, and Coca-Cola Bottling Company of Lake Charles, Louisiana.

(2) I am not now and have not been within sixty days past a member of any partnership.

(3) I do not own, in its entirety, any business nor have I owned any business within the past sixty days.

The foregoing statement is true and accurate to the best of my knowledge and belief. If there be any omission or oversights, they are too minor in character for me to recall at the moment.

Dated: December 16, 1955.

WILLIAM J. RUSHTON.

[F. R. Doc. 55-10563; Filed, Dec. 28, 1955; 5:02 p. m.]

V. O. FIGGE

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate None:

Davenport Bank and Trust Co., Davenport, Iowa; President, Director, and Stockholder.

Ossian State Bank, Ossian, Iowa; Director and Stockholder.

Iowa State Bank, Calmar, Iowa; Director and Stockholder.

Kahl Investment Corporation, Davenport, Iowa; Director.

Blackhawk Hotels Corporation, Davenport, Iowa; Director.

St. Paul Hotel Corporation, St. Paul, Minnesota; Director.

Union Building Corporation, Davenport, Iowa; Director.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 21, 1955.

V. O. FIGGE.

[F. R. Doc. 55-10564; Filed, Dec. 28, 1955; 5:02 p. m.]

MAURICE A. FRAHER

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate None:

1. Deere & Company, Moline, Illinois; Vice-President, Director and Stockholder.

2. Interstate Power Co., Dubuque, Iowa; Stockholder.

3. International Harvester Co., Chicago, Illinois; Stockholder.

4. Pepin Pickling Company, Winona, Minnesota; Stockholder.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 21, 1955.

MAURICE A. FRAHER.

[F. R. Doc. 55-10565; Filed, Dec. 28, 1955; 5:02 p. m.]

HARRY W GETZ

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate none:

a. Williams, White & Company, Moline, Illinois; Chairman of the Board; Member of the Board of Directors; Stockholder.

b. Moline Forge, Inc., Moline, Illinois; Chairman of the Board; Member of the Board of Directors; Stockholder.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 22, 1955.

HARRY W. GETZ.

[F. R. Doc. 55-10566; Filed, Dec. 28, 1955; 5:03 p. m.]

J. M. HUTCHINSON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate None:

Davenport Bank and Trust Company, Davenport, Iowa; Executive Vice President and stockholder.

Iowa State Bank, Calmar, Iowa; Director and Stockholder.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 21, 1955.

J. M. HUTCHINSON.

[F. R. Doc. 55-10567; Filed, Dec. 28, 1955; 5:03 p. m.]

JOHN S. PFEIL

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director, or within 60 days preceding appointment have been an officer or director, or in which I own, or within 60 days preceding appointment have owned, any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am, or within 60 days preceding appointment, have been, a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) Vice President, Stone & Webster, Incorporated.

Director, Stone & Webster Realty Corporation.

Treasurer, Associated Industries of Massachusetts.

Trustee, Benjamin Franklin Foundation.

Incorporated Investors.

Tennessee Gas Transmission Company.

Continental Baking Company.

Hertz Corporation.

Eastern Utilities Associates.

Eaton & Howard.

General Motors Corporation.

Texas Gas Transmission Company.

Massachusetts Investors Trust.

Boston Herald Traveler Corporation.

Long Bell Lumber Company.

American Hardware Corporation.

Guaranty Trust Company.

Porta Company.

Bank of America.

New York City Omnibus Company.

Craftsman Insurance Company.

(2) None.

(3) None.

Dated: December 23, 1955.

JOHN S. PFEIL.

[F. R. Doc. 55-10568; Filed, Dec. 28, 1955; 5:03 p. m.]

H. S. ROBINSON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) Stockholder in companies listed on New York Stock Exchange.

Borg-Warner Corp.

Food Machinery and Chemical Co.

General Electric Co.

General Portland Cement Co.

Halliburton Oil Well Cementing Co.

McGraw Hill Publishing Co.

Monarch Machine Tool Co.

Republic Steel Co.

Southern Co.

Std. Oil of California.

Std. Oil of Indiana.

Std. Oil of New Jersey.

West Penn. Elec. Co.

Unlisted stocks: Central Trust Co., Cincinnati; Fifth-Third Union Trust, Cincinnati; U. S. Shoe Corp., Cincinnati.

Stockholder and director in: Hamilton-Ferro Com., Cincinnati (Realty); Technical Equipment Co., Cincinnati.

(2) No partnerships.

(3) No other business.

Dated: December 23, 1955.

H. S. ROBINSON.

[F. R. Doc. 55-10569; Filed, Dec. 28, 1955; 5:04 p. m.]

C. L. RUGG

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955.

1. The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

2. The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

3. The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

1. (a) Since November 21, 1955, Vice President, The Manufacturers National Bank of Detroit.

Previously Senior Vice President and Director, Industrial National Bank-Detroit which by consolidation, November 21, 1955, became The Manufacturers National Bank of Detroit.

(b) Manufacturers National Bank; Stockholder.

(c) Burroughs Corp., Stockholder.

(d) Fruehauf Trailer Co., Stockholder.

(e) Detroit Edison Co., Stockholder.

2. (a) Homograf Co. Nominal interest, less than 2 percent.

3. None.

Dated: December 21, 1955.

C. L. RUGG.

[F. R. Doc. 55-10570; Filed, Dec. 28, 1955; 5:04 p. m.]

ARTHUR J. FUSHMAN

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647, dated 28 November, 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds or other financial interests:

Director, Michigan Chemical Co., St. Louis, Mich.

Director, Davidson Bros. Inc., Detroit, Mich.

Director, International Breweries, Inc., Detroit, Mich.

Director, Michigan Chrome & Chemical Co., Detroit, Mich.

Director, F. Jos. Lamb Co., Detroit, Mich.

Director, Booth Newspapers, Detroit, Mich.

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner: None.

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest: None.

Dated: December 21, 1955.

ARTHUR J. FUSHMAN.

[F. R. Doc. 55-10571; Filed, Dec. 28, 1955; 5:04 p.m.]

MILTON DRAKE

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) The Detroit Bank, Detroit, Michigan; Vice President, Stockholder.

Drake and Wallace Realty Company, St. Joseph, Michigan; President, Director, Stockholder.

Silver Beach Amusement Company, St. Joseph, Michigan; President, Director, Stockholder.

Silver Beach Coaster Company, St. Joseph, Michigan; President, Director, Stockholder.

(2) None.

(3) None.

The foregoing answers exclude civic and charitable corporations.

Dated: December 21, 1955.

MILTON DRAKE.

[F. R. Doc. 55-10572; Filed, Dec. 28, 1955; 5:05 p. m.]

J. A. ZINN

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interest is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointments, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) A. National Bank of Detroit, Detroit, Michigan; Vice President, Stockholder.

B. City Coach Lines, Inc., Detroit, Michigan; Director, Stockholder.

(2) None.

(3) None.

Dated: December 21, 1955.

J. A. ZINN.

[F. R. Doc. 55-10573; Filed, Dec. 28, 1955; 5:05 p. m.]

C. S. LAWSON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporation of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other business in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) United States Pipe and Foundry Company; Chairman of the Board of Directors, President, Director and Stockholder.

Louisville & Nashville Railroad Company· Director and Stockholder.

Birmingham Trust National Bank; Director and Stockholder.

Birmingham Fire Insurance Company· Director and Stockholder.

Jefferson Federal Savings & Loan Association; Director.

Nashville, Chattanooga and St. Louis Railway· Stockholder.

Vulcan Life Insurance Company; Stockholder.

Independence Life Insurance Company· Stockholder.

Servo Mechanisms; Stockholder.

(2) None.

(3) None.

Dated: December 23, 1955.

C. S. LAWSON.

[F. R. Doc. 55-10574; Filed, Dec. 28, 1955; 5:05 p. m.]

BENJAMIN B. MATHIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

DECEMBER 28, 1955.

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Benjamin B. Mathis.

2. Employing agency· Springfield Ordnance District, Springfield, Massachusetts.

3. Title of position: District Chief.

4. Name of private employer· A. J. Stonina, Inc., Chicopee, Massachusetts.

JOHN W MARTYN,
Administrative Assistant.

Statement of Financial Interests

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of

Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

(1) A. J. Stonina, Inc., President, Assistant Treasurer and Director.

Stockholder: Black Sivalls & B., Four Corner Uranium, Kennametal, Inc., Ludlow Mfg. & Sales, Moore Drop Forge, New England Gas & Electric, Package Machinery Co., Loft Candy Co., Irving Trust Co., National Gypsum.

(2) None.

(3) None.

Dated: December 23, 1955.

BENJAMIN B. MATHIS.

[F. R. Doc. 55-10611; Filed, Dec. 30, 1955; 9:17 a.m.]

OFFICE OF DEFENSE MOBILIZATION

JERROLD R. ZACHARIAS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Jerrold R. Zacharias, Professor of Physics, Massachusetts Institute of Technology, Cambridge, Massachusetts, as a Consultant, with the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on October 1, 1952.

Mr. Zacharias' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Member of Board of Directors and stockholder of National Company, Inc., Malden, Massachusetts, and Hycon Eastern Inc., Cambridge, Massachusetts.

Dated: December 12, 1955.

Signed: JERROLD R. ZACHARIAS.

[F. R. Doc. 55-10474; Filed, Dec. 28, 1955; 1:42 p.m.]

JAMES E. NOE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James E. Noe, International Representative, International Brotherhood of Electrical Workers, American Federation of Labor, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 17, 1955.

Mr. Noe's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

As of December 1, 1955, I owned stocks in the following named corporations: Bacha Uranium Mines, Canada Southern Petroleum, Cenco Corp., Mullins Mfg. Corp., Opemiska Copper, Quebec Metalurgical, Rio Palmer Oils Ltd., Stone and Webster Inc.

I own a one-half interest in a tract of real estate, located in Jefferson County, Kentucky in partnership with Edward G. Hack of Louisville, Ky.

I have a financial interest, secured by personal notes from Richard McCormick of Vienna, Va., in a cacao bean development in the Republic of Haiti.

Outside of some first and second trust real estate notes the above represents, to the best of my knowledge, all of my business interests.

Dated: December 10, 1955.

Signed: JAMES E. NOE.

[F. R. Doc. 55-10475; Filed, Dec. 28, 1955; 1:42 p.m.]

CHARLES E. WALPLER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Charles E. Wampler, President, Wisconsin Telephone Company, Milwaukee, Wisconsin, as a Consultant to the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under section 710 (b) of Defense Production Act 1950 and section 101 (a) of Executive Order 10182, on February 4, 1953.

Mr. Wampler's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Officer and Director: Wisconsin Telephone Company:

Director and Stockholder: Cutler-Hammer, Inc.

Stockholder: American Tel. and Tel. Company.

Stockholder (sold September 22, 1955): Bell & Gossett Co.

Stockholder (sold June 20, 1955) Mountain States Tel. & Teleg. Co.

Stockholder: National Distillers Products, Socony Mobil Oil Co., Southern Pacific Co., Standard Oil Co. of New Jersey.

Dated: December 9, 1955.

Signed: C. E. WALPLER.

[F. R. Doc. 55-10476; Filed, Dec. 28, 1955; 1:42 p. m.]

PETER HENLE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Peter Henle, Assistant Director of Research, American Federation of Labor, Washington, D. C., as a Consultant (Executive Reservist) with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) under Executive Order 10182, on May 23, 1955.

Mr. Henle's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Studebaker-Packard Corporation.

Dated: December 22, 1955.

Signed: PETER HENLE.

[F. R. Doc. 55-10477; Filed, Dec. 28, 1955; 1:42 p. m.]

THOMAS R. REID

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Thomas R. Reid, Director of Civic Affairs, Ford Motor Company, Dearborn, Michigan, as a Consultant, with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 20, 1954.

Mr. Reid's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am an employee of Ford Motor Company, 3000 Schaefer Road, Dearborn, Michigan.

Within the past year I have sold all my stock holdings in any other company and at the present time have no business or financial interest other than Ford Motor Company.

Dated: December 14, 1955.

Signed: THOMAS R. REID.

[F. R. Doc. 55-10478; Filed, Dec. 28, 1955; 1:43 p. m.]

PHILIP N. POWERS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Philip N. Powers, Executive Administrator (Atomic Electric Project), Monsanto Chemical Company, St. Louis, Missouri, as a Consultant to Director (Manpower) of the Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on June 18, 1951.

Mr. Power's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Internuclear Company, Monsanto Chemical Company.

Dated: December 21, 1955.

Signed: PHILIP N. POWERS.

[F. R. Doc. 55-10479; Filed, Dec. 28, 1955; 1:43 p. m.]

HAROLD S. BLACKMAN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Harold S. Blackman, Member, Merchandise Department, J. C. Penney Company, New York, N. Y., as a Consultant with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on December 11, 1953.

Mr. Blackman's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am not now, nor have I been within the last 60 days (either before my original appointment, nor as of the present) an officer or director of any corporation.

I own no stock, nor have I owned stock within the last 60 days (either before my original appointment, nor as of the present) in any corporation.

I have no financial interest, nor have I had within the last 60 days (either before my original appointment, nor as of the present) in any business except as below stated. I am a salaried employee of the J. C. Penney Company, Inc., and am covered within its retirement plan, group and other special insurances, yearly bonus.

Bank deposits.

I own no bonds, nor have I owned bonds within the last 60 days (either before my original appointment, nor as of the present) except for bonds of the United States Government.

Dated: December 20, 1955.

HAROLD S. BLACKMAN.

[F. R. Doc. 55-10480; Filed, Dec. 28, 1955; 1:43 p. m.]

EDWARD D. REEVES

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Edward D. Reeves, Executive Vice President of Standard Oil Development Company, New York, New York, as a Consultant to the Assistant to the Director (Manpower) Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 20, 1951.

Mr. Reeves' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Business affiliations of E. D. Reeves:

Executive Vice President and Director: Esso Research and Engineering Company, 15 W. 51st Street, New York 19, N. Y.

Director: Jasco, Incorporated, 15 W. 51st Street; Standard Catalytic Company, 15 W. 51st Street.

Stock owned in Standard Oil Company (New Jersey).

Dated: December 21, 1955.

Signed: E. D. REEVES.

[F. R. Doc. 55-10481; Filed, Dec. 28, 1955; 1:43 p. m.]

MAURICE C. WALSH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Maurice C. Walsh, Field Assistant to the President, Champion Paper and Fibre Company, Hamilton, Ohio, as a Consultant, with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 3, 1954.

Mr. Walsh's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

The Champion Paper and Fibre Company.

Dated: December 16, 1955.

Signed: MAURICE C. WALSH.

[F. R. Doc. 55-10482; Filed, Dec. 28, 1955; 1:43 p. m.]

CARYL P HASKINS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Caryl P Haskins, President, Haskins Laboratories, Inc., New York, New York, until June 1955 and unemployed at present as an Advisor, Science Advisory Committee, Office of Defense Mobilization. This appointment was made under the Defense Production Act of 1950 as amended, section 710 (b), on October 12, 1955.

Mr. Haskins' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Aetna Insurance Co.
Allegheny Ludlum Steel Corp.
Aluminum Co. of America.
Amer. Broadcasting—Paramount Theatres, Inc.
American Tel. & Tel.
Bankers Trust Co.
Brooklyn Union Gas Co.
Carnegie Corp. of N. Y.
Carnegie Institution of Washington.
Continental Can Co.
Corn Products Refining Co.

E. I. du Pont de Nemours.
Eastman Kodak Co.
Ex-cell-o Corp.
First National City Bank, N. Y.
Franklin Publications, Inc.
General Electric Co.
Great Northern Railway.
Harvey Picker Foundation.
Haskins Laboratories, Inc.
Humphrey Gas Pump Co.
Infra Roast Inc.
Inland Steel.
International Paper Co.
Kaman Aircraft Corp.
La Rose Mines, Ltd.
Long Island Biological Assoc.
Millipore Filter Corp.
National Photocolor Corp.
New Enterprises, Inc.
Phillips Petroleum Co.
Rand Corp.
Schenectady Trust Co.
Scudder Fund of Canada, Ltd.
Sears Roebuck & Co.
Shell Oil Co.
Sherwin Williams Co.
Standard Oil of Indiana.
Standard Oil of N. J.
Texas Eastern Transmission.
Union Oil of California.
United Gas Corp.
Youngstown Sheet & Tube.

Dated: October 11, 1955.

Signed: CARYL P HASKINS.

[F. R. Doc. 55-10484; Filed, Dec. 28, 1955; 1:44 p. m.]

R. CARTER WELLFORD

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. R. Carter Wellford, Personnel Manager, Film Department, E. I. du Pont de Nemours, Inc., Wilmington, Delaware, as a Consultant, with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 3, 1954.

Mr. Wellford's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

E. I. du Pont de Nemours & Co., Inc., General Motors Corp.

Dated: December 13, 1955.

Signed: R. CARTER WELLFORD.

[F. R. Doc. 55-10483; Filed, Dec. 28, 1955; 1:44 p. m.]

RUSSELL C. MCCARTHY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Russell C. McCarthy, Manager, Industrial Management Council, Rochester, New York, as a Member of the National Labor-Management Manpower Policy Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 3, 1952.

Mr. McCarthy's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Have no connection whatsoever with any corporation, financial or otherwise, and have not had for several years.

Dated: December 14, 1955.

Signed: RUSSELL MCCARTHY.

[F. R. Doc. 55-10485; Filed, Dec. 28, 1955; 1:44 p. m.]

JAMES H. TAYLOR

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to Section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. James H. Taylor, Director of Industrial Relations, The Procter & Gamble Company, Ivorydale, Ohio, as an Advisor, with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under the Defense Production Act of 1950 as amended, section 710 (b) on October 25, 1955.

Mr. Taylor's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

I am not an officer or director of any corporation, nor have I been within the past 60 days.

I own stock in the following corporations and have owned this stock for more than 60 days: The Procter & Gamble Company, Chrysler Corporation, The Ohio Hotel Company.

I am a member of no partnership, nor have I been a member of a partnership within the past 60 days.

Dated: October 1, 1955.

Signed: JAMES H. TAYLOR.

[F. R. Doc. 55-10486; Filed, Dec. 28, 1955; 1:44 p. m.]

HAROLD M. BOTKIN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Harold M. Botkin, Assistant to Vice President, American Telephone and Telegraph Company, New York, New York, as an Adviser (Telecommunications), with the Assistant Director for Telecommunications, in the Office of Defense Mobilization. This appointment was made under the Defense Production Act of 1950 as amended, section 710 (b), on October 24, 1955.

Mr. Botkin's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

American Telephone and Telegraph Company, General Electric Company.

Dated: September 16, 1955.

Signed: HAROLD M. BOTKIN.

[F. R. Doc. 55-10487; Filed, Dec. 28, 1955; 1:44 p. m.]

DAVID C. HOLUB

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. David C. Holub, President, The Holub Iron and Steel Company, Akron, Ohio, as a Consultant (Scrap Iron and Metals), with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on May 18, 1954.

Mr. Holub's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Have substantial stock interest in The Holub Iron and Steel Company, Akron, Ohio.

No other business interests aside from personal property and cash.

Date: December 22, 1955.

Signed: DAVID C. HOLUB.

[F. R. Doc. 55-10488; Filed, Dec. 28, 1955; 1:45 p. m.]

ALBERT J. PHILLIPS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Albert J. Phillips, Vice President and Director of Research, American Smelting and Refining Company, New York, New York, as a Consultant, with the Assistant Director for Materials, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on April 8, 1954.

Mr. Phillips' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Smelting and Refining Company; Vice President.
Continuous Casting Corporation; Director.
Armo Steel Company; own stock.
General Cable Company; own stock.
Vulcan Silver and Lead Company; own stock.
Great Northern Iron Ore Company; own stock.

Dated: December 12, 1955.

Signed: ALBERT J. PHILLIPS.

[F. R. Doc. 55-10489; Filed, Dec. 28, 1955; 1:45 p. m.]

DR. WILLIAM WEBSTER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Dr. William Webster, Executive Vice-President, New England Electric Systems, Boston, Massachusetts, as a Consultant to the Manpower Office, Office of Defense Mobilization. This appointment was made effective under section 101 (a) of Executive Order 10182, on August 13, 1951.

Dr. Webster's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

New England Electric System; Executive Vice President and Director.
The Narragansett Electric Company; President and Director.
Yankee Atomic Electric Company; President and Director.
New England Power Company; Director.
The Rand Corporation; Trustee.
Second Bank-State Street Trust Company; Director.
Arthur D. Little, Inc., Director.
Atomic Power Development Associates, Inc., Director.
Edison Electric Institute; Director.
Cool Branch Farm; owned in partnership.
Stock or Bond Investment: Baldwin Securities, British Columbia Forest Products, Ltd., Coastal Carribean Oil, Inc., Consolidated Industries, Fireside Permanent Building Association, New England Electric System, New Products Research Corporation, Second Bank-State Street Trust Company, Steep Rock Iron Mines, Wolverine Power Company, York Corporation.

Dated: December 19, 1955.

Signed: WILLIAM WEBSTER.

[F. R. Doc. 55-10490; Filed, Dec. 28, 1955; 1:45 p. m.]

DR. BRUCE S. OLD

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Dr. Bruce S. Old, Vice President, A. D. Little, Inc., Cambridge, Massachusetts, as a Consultant, Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on September 17, 1951.

Dr. Old's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Vice President; owner 0.2 percent stock: Arthur D. Little, Inc.
President: Nuclear Metals, Inc.
Director: Wentworth Institute, Concord Community Chest, Inc.
Trustee: Deaconess Hospital.

Dated: December 7, 1955.

Signed: BRUCE S. OLD.

[F. R. Doc. 55-10491; Filed, Dec. 28, 1955; 1:46 p. m.]

R. C. PARSONS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended notice is hereby given of the appointment of Mr. R. C. Parsons, Vice President, Operation, Louisville and Nashville Railroad Company, Louisville, Kentucky, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Parsons' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Louisville and Nashville Railroad Company (Vice President and General Manager).
The Carrollton Railroad.
Central Transfer Railway & Storage Company.
Cincinnati Union Terminal Company.
Elkton & Guthrie Railroad Company.
Henderson Belt Railroad Company.
Kentucky Central Railway Company.
Lexington & Eastern Railway Company.
Lexington Union Station Company.
Long Branch Coal Railroad Company.
Louisville, Henderson & St. Louis Railway Company.
Louisville and Nashville Terminal Company.
Memphis Union Station Company.
Nashville & Decatur Railroad Company.
South & North Alabama Railroad Company.
Terminal Railroad Association of St. Louis.
Woodstock & Blocton Railway Company.
Financial interests; stock ownerships: Louisville Gas & Electric Company; Louisville and Nashville Railroad Company; Nashville, Chattanooga & St. Louis Railway; Kentucky Utilities Company.

Dated: November 1, 1955.

Signed: R. C. PARSONS.

[F. R. Doc. 55-10492; Filed, Dec. 28, 1955; 1:46 p. m.]

JAMES A. WILLIAMS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James A. Williams, Division Manager of the New England Telephone & Telegraph Company, Boston, Massachusetts, as a Consultant to the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Section 101 (a), Executive Order 10182, on May 16, 1955.

Mr. Williams' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Employed by the New England Telephone & Telegraph Company on a salary basis. Own no stock in this Company.

Own 46 shares of American Telephone & Telegraph Company stock, which Company

owns controlling interest in New England Telephone & Telegraph Company.

Dated: August 1, 1955.

Signed: JAMES A. WILLIAMS.

[F. R. Doc. 55-10493; Filed, Dec. 28, 1955; 1:46 p. m.]

GEOFFREY BAKER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Geoffrey Baker, Vice President, Ralston-Purina Company, St. Louis, Missouri, as a Consultant with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on February 10, 1955.

Mr. Baker's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Vice President: Ralston Purina Company.
Owns: Ralston Purina Company Common Stock, Wellington Fund Stock (Investment trust).

Dated: December 16, 1955.

Signed: GEOFFREY BAKER.

[F. R. Doc. 55-10494; Filed, Dec. 28, 1955; 1:46 p. m.]

L. GORDON WALKER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. L. Gordon Walker, Manager, Ore and Coal Company, Cleveland, Ohio, as a Consultant to the Assistant Director for Production, Office of Defense Mobilization. This appointment was made effective under section 101 (a), Executive Order 10182, on June 14, 1955.

Mr. L. Gordon Walker's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Common stock in following companies: Chrysler Corporation, Sinclair Oil Corporation, Pennroad Corp., Continental Motors, Pennsylvania Railroad Co., Transcontinental & Western Airlines.

Annual salary from Ore & Coal Exchange, Cleveland, Ohio.

Dated: December 13, 1955.

Signed: L. GORDON WALKER.

[F. R. Doc. 55-10495; Filed, Dec. 28, 1955; 1:47 p. m.]

JOHN E. McLEOD

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John E. McLeod, Chief Mechanical Officer, The Chesapeake and Ohio Railway Company, Richmond, Virginia, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. McLeod's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

The Chesapeake and Ohio Railway Company.

Dated: December 9, 1955.

Signed: J. E. McLEOD.

[F. R. Doc. 55-10496; Filed, Dec. 28, 1955; 1:47 p. m.]

DR. CHARLES C. LAURITSEN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Dr. Charles C. Lauritsen, Professor of Physics, California Institute of Technology, Pasadena, California, as a Consultant, Science Advisory Committee, Office of the Director, Office of Defense Mobilization. This appointment was made under section 101 (a), Executive Order 10182, on July 16, 1952.

Dr. Lauritsen's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

U. S. A. Bonds.
Stock: Am. T. and T., Dow Chem., Du Pont, Moncan. Ch., So. Calif. Edison, Std. Oil, N. J., Std. Oil, Ind., U. S. Steel, Mass. Inves. Tr.

Dated: December 16, 1955.

Signed: CHARLES C. LAURITSEN.

[F. R. Doc. 55-10497; Filed, Dec. 28, 1955; 1:47 p. m.]

HERBERT EMMERICH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Herbert Emmerich, Director, Public Administration Clearing House, Chicago, Illinois, as a Consultant, with the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made effective on July 8, 1955, Executive Order, 10182, section 101 (a)

Mr. Emmerich's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Director: Public Administration Clearing House, 1313 E. 60th St., Chicago 37, Illinois.
Chairman of the Board: Public Administration Service, 1313 E. 60th St., Chicago 37, Illinois.
Member, Board of Directors: American Council to Improve our Neighborhoods, (Actien) Box 462, Radio City Station, New York 20, N. Y.
Member of Council: National Municipal League, 47 E. 68th St., New York 21, N. Y.
Own shares of stock: Stein Roe & Farnham Fund, Inc., 135 So. La Salle Street, Chicago 37, Ill., The Lehman Corporation, 1 South William Street, New York 4, N. Y.

Dated: December 16, 1955.

Signed: HERBERT EMMERICH.

[F. R. Doc. 55-10498; Filed, Dec. 28, 1955; 1:47 p. m.]

DR. ISIDOR I. RABI

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Dr. Isidor I. Rabi, Professor of Physics, Columbia University, New York, New York, as a Consultant to the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on January 1, 1954.

Dr. Rabi's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Telegraph and Telephone Co.
International Nickel.
Hycon Manufacturing Co.
Hycon Eastern, Inc.
Atlas Corp.
Robert Gair.
Missouri Pacific Railroad.
Outboard Motor and Manufacturing Co.
Pacific Western Oil.
Puget Sound Power & Light.
Thompson Products.
Transamerica.

Dated: December 11, 1955.

Signed: I. I. RABI.

[F. R. Doc. 55-10499; Filed, Dec. 28, 1955; 1:48 p. m.]

ANDREW H. BROWN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Andrew H. Brown, Commerce Counsel, The Cleveland Chamber of Commerce, Cleveland, Ohio, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on December 6, 1954.

Mr. Brown's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

The National Industrial Traffic League, President until November 19, 1954. Director since that date.
The Cleveland Chamber of Commerce, Commerce Counsel.

Dated: October 28, 1955.

Signed: ANDREW H. BROWN.

[F. R. Doc. 55-10500; Filed, Dec. 28, 1955; 1:48 p. m.]

ALEXANDER W. CAMPBELL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Alexander W Campbell, General Superintendent, Transportation, Great Northern Railway, St. Paul, Minnesota, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Campbell's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Great Northern Railway Company. Employed as General Superintendent Transportation and have been in continuous service with the Great Northern Railway since June 16, 1911, except time spent in the Army in World War I and II and am now a retired Army Officer.
I do not have any financial interest in any corporation, partnership, or other business interest except the Great Northern Railway.

Dated: November 1, 1955.

Signed: A. W CAMPBELL.

[F. R. Doc. 55-10501; Filed, Dec. 28, 1955; 1:48 p. m.]

JAMES B. FISK

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James B. Fisk, Director of Physical Research and Assistant Director of Research, Bell Telephone Laboratories, Inc., Murray Hill, New Jersey, as a Consultant, with the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on September 19, 1951.

Mr. Fisk's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Executive Vice President and Director: Bell Telephone Laboratories, Inc.
Share owner: American Telephone and Telegraph Company.

Dated: December 8, 1955.

Signed: J. B. FISK.

[F. R. Doc. 55-10502; Filed, Dec. 28, 1955; 1:48 p. m.]

JOHN C. RILL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John C. Rill, President, Fruit Growers Express Company, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on December 6, 1954.

Mr. Rill's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

President and Director: Fruit Growers Express Co., Western Fruit Express Co., Burlington Refrigerator Express Co., National Car Co., Railway Refrigerator Realty Co.
Director and Stock Ownership: American Security & Trust Co.
Stock Ownership: Pennsylvania Railroad Co.
Future retirement benefits: Pennsylvania Railroad System Plan for Supplemental Pensions.

Dated: December 8, 1955.

Signed: JOHN C. RILL.

[F. R. Doc. 55-10503; Filed, Dec. 28, 1955; 1:49 p. m.]

F. J. ORNER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. F J. Orner, General Manager, New York, New Haven and Hartford Railroad Company, New Haven, Connecticut, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Orner's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Officer and Stockholder: New York, New Haven & Hartford Railroad Company.

Chairman Board of Directors, Director, Member Advisory Committee: Railroad Perishable Inspection Agency.

Own financial interest: United Income Fund; New Haven Savings & Loan Association.

Dated: December 9, 1955.

Signed: F. J. ORNER.

[F. R. Doc. 55-10505; Filed, Dec. 28, 1955; 1:49 p. m.]

DR. EMANUEL R. PIORE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Dr. Emanuel R. Piore, Vice President, Avco Manufacturing Corporation, New York 17, New York, as an Advisor to the Science Advisory Committee, Office of Defense Mobilization. This appointment was made effective on October 12, 1955.

Dr. Piore's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am Vice President of the Avco Manufacturing Corporation, and own directly common stock of that Corporation.

Dated: December 16, 1955.

Signed: E. R. PIORE.

[F. R. Doc. 55-10504; Filed, Dec. 28, 1955; 1.49 p. m.]

J. J. MAHONEY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. J. J. Mahoney, General Superintendent of Transportation, The Atchison Topeka and Santa Fe Railway System, Chicago, Illinois, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Mahoney's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Supplementing Form ODM-163 of August 1955 with respect to business interests:

Have no outside affiliations with any company; however, I have been an officer of the Santa Fe since May 1920. My only investment is in Government bonds.

Dated: December 13, 1955.

Signed: J. J. MAHONEY.

[F. R. Doc. 55-10506; Filed, Dec. 28, 1955; 1:50 p. m.]

GEORGE A. STEINER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. George A. Steiner, Professor of Economics, University of Illinois, Urbana, Illinois, as an Advisor (Program Planning) with the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under Defense Production Act of 1950 as amended, section 710 (b), on September 30, 1955.

Mr. Steiner's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None.

Dated: December 14, 1955.

Signed: G. A. STEINER.

[F. R. Doc. 55-10507; Filed, Dec. 28, 1955; 1:50 p. m.]

JAMES L. COOKE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James L. Cooke, General Superintendent, Transportation, Seaboard Air Line Railroad Company, Norfolk, Virginia, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Cooke's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Executive Order 10647, Section 302b.

1. Officer: Seaboard Air Line Railroad Company.

2. Stockholder: Seaboard Air Line Railroad Company.

Dated: December 8, 1955.

Signed: J. L. COOKE.

[F. R. Doc. 55-10503; Filed, Dec. 28, 1955; 1:50 p. m.]

CALEB R. MEGEE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Caleb R. Megee, Vice Chairman, Car Service Division, Association of American Railroads, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Megee's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Gulf Oil Corp.
Radio Corp. of America.
Monsanto Chemical Co.
Tri-Continental Investment Co.
Investment Company of America.
Washington Mutual Fund.

Dated: October 28, 1955.

Signed: CALEB R. MEGEE.

[F. R. Doc. 55-10509; Filed, Dec. 28, 1955; 1:50 p. m.]

CHARLES W. POTTER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended notice is hereby given of the appointment of Mr. Charles W. Potter, Assistant Vice President, Personnel Relations, American Telephone and Telegraph Company, New York, New York, and Asbury Park, New Jersey, as a Consultant (Executive Reservist), with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 24, 1955.

Mr. Potter's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Sixty days prior to August 1, 1955:
The undersigned was not an officer or director of any corporation, partnership or other business.
He owned common stock of the American Telephone and Telegraph Company.

Dated: December 12, 1955.

Signed: C. W POTTER.

[F. R. Doc. 55-10510; Filed, Dec. 28, 1955; 1:51 p. m.]

GEORGE H. SHAFER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. George H. Shafer, General Traffic Manager, Weyerhaeuser Sales Company, St. Paul, Minnesota, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Shafer's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Stock Ownership: Textron American, Bethlehem Steel, United States Steel, International Harvester, Northern Pacific Railroad, Weyerhaeuser Timber Company, General Motors, Dividend Shares, Inc., (Investment Trust), A. T. & S. F. Railway, Abitibi Paper Company, Group Securities (Investment Trust), Kennecott Copper, Cities Service Corporation, Pure Oil Company, Great Northern Railway, Stone & Webster, Radio Corporation of America, Canadian General Fund (Investment Trust), Fibre Products, Inc.

Am not a director or officer of any corporation and do not have a financial interest in corporations other than indicated above.

Dated: November 9, 1955.

Signed: G. H. SHAFER.

[F. R. Doc. 55-10511; Filed, Dec. 28, 1955; 1:51 p. m.]

JOHN F. REILLY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John F Reilly, Assistant to Vice Chairman, Car Service Division, Association of American Railroads, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Reilly's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Nil.

Dated: November 1, 1955.

Signed: J. F REILLY.

[F. R. Doc. 55-10512; Filed, Dec. 28, 1955; 1:51 p. m.]

RALPH S. TRIGG

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Ralph S. Trigg, Self Employed, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on June 13, 1955.

Mr. Trigg's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am not a director, officer, owner or part-owner in any corporations, partnerships or other businesses.

I own a few shares of stock in the following corporations: Graham Paige Motors, National City Lines, Studebaker Packard, Delhi Taylor Oil Company, Col-U-Mex Uranium Company, Tasha Oil and Uranium Company.

Dated: December 15, 1955.

Signed: RALPH S. TRIGG.

[F. R. Doc. 55-10513; Filed, Dec. 28, 1955; 1:51 p. m.]

STANLEY H. RUTTENBERG

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Stanley H. Ruttenberg, Director, Department of Education and Research, Congress of Industrial Organizations, Washington, D. C., as a Consultant (Executive Reservist), with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on June 6, 1955.

Mr. Ruttenberg's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None. I have no business interests.

Dated: December 12, 1955.

Signed: STANLEY H. RUTTENBERG.

[F. R. Doc. 55-10515; Filed, Dec. 28, 1955; 1:52 p. m.]

WILLIAM C. BAKER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. William C. Baker, Vice President, Operations and Maintenance, Baltimore and Ohio Railroad Company, Baltimore, Maryland, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Baker's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Stockholder: Balto. & Ohio R. R. Co.
Director: Addison & Susquehanna R. R. Co., Kentucky & Indiana Terminal R. R. Co., Raritan River Rail Road Company; Washington Terminal Company; Wellsville, Coudersport and Pine Creek Railroad Company.
Director and President: Baltimore and Ohio Stores, Inc.
Director and Vice President: Akron & Barberton Belt R. R. Co., Baltimore Belt Railroad Co., Balto. & Ohio & Chicago R. R.

Co., Balto. & Ohio Chicago Termi. R. R. Co., Balto. & Ohio Southwestern R. R. Co., Buffalo, Rochester & Pittsburgh R. R. Co., Buffalo & Susquehanna R. R. Corp.; Centralia & Webster Springs, R. R. Co., Cheat Haven & Bruceton R. R. Co., Cinti. Indpls. & Western R. R. Co., Cleveland Termi. & Valley R. R. Co.;Curtis Bay R. R. Co., Dayton and Union R. R. Co., Lakefront Dock & R. R. Termi. Co.; Lancaster, Cecil & Sou. R. R. Co., Mahoning Valley Railroad Co., Metropolitan Southern R. R. Co., Monongahela Railway Company; The New Gauley Coal Company; Ohio & Little Kanawha R. R. Co., Staten Island Rapid Transit Railway Company; Washington County Railroad Co., West Virginia and Pittsburgh Railroad Company; Winchester & Strasburg R. R. Co.

Vice President: The Adrian Realty Company; Allegheny & Western R. R. Co., Balto. & Ohio Connecting Railroad Co., Balto. & Ohio R. R. Co. in Pennsylvania; Balto. & Philadelphia R. R. Co.; The Cheat Haven Railroad Co., Clearfield & Mahoning R. R. Co., Fairmont, Morgantown and Pittsburgh R. R. Co., Georgetown Barge, Dock, Elevator and Railway Co., Indian Creek Valley Railway Co., Pittsburgh & Western R. R. Co., Quemahoning Branch R. R. Co.; Schuylkill River East Side R. R. Co., Tylerdate Connecting R. R. Co., Washington & Western Maryland R. R. Co., Wheeling, Pittsburgh and Baltimore R. R. Co.; Winchester and Potomac R. R. Co.

Dated: October 28, 1955.

Signed: WILLIAM C. BAKER.

[F. R. Doc. 55-10514; Filed, Dec. 28, 1955; 1:51 p. m.]

GRANVILLE CONWAY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mrs. Granville Conway, President, Cosmopolitan Shipping Company, Inc., New York, New York, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Conway's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Executive Order 10647, Section 320b.

1. Officer or Director: Cosmopolitan Shipping Company, Inc., American Agencies, Inc.; Commercial Stevedoring Co., Inc.; Consortium Maritime Franco-Americain (French Corporation); Home Lines Agency, Inc.; Panama Transoceanic Co. S. A. (Panama Corp.); Southwood Exploration Co., Inc.; Transoceanic Tankers, Inc. (Panama Co.); Travel & Chartering S. A. (Panama Co.); Crestmont Corporation; Cosmopolitan Shipping Co. S. A. (Panama Corporation).

2. Stockholder: Cosmopolitan Shipping Company, Inc., Consortium Maritime Franco-Americain (French Corporation); Penn Salt; Southwood Exploration Co., Inc.; Stone Webster; Transit Investment Corp. (Philadelphia); Transoceanic Tankers Inc. (Panama Co.); Travel & Chartering S. A. (Panama Co.); Crestmont Corporation; Western Chartering Inc.

Dated: December 8, 1955.

Signed: GRANVILLE CONWAY.

[F. R. Doc. 55-10516; Filed, Dec. 28, 1955; 1:52 p. m.]

BENJAMIN CAPLAN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Benjamin Caplan, Assistant Chief Economist, Schenley Industries, Inc., New York, New York, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on August 9, 1954.

Mr. Caplan's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Schenley Industries, Inc.
Dubonnet Wine Corporation.
Aeroquip Corporation.
Boston & Maine Railroad.

Dated: December 15, 1955.

Signed: BENJAMIN CAPLAN.

[F. R. Doc. 55-10517; Filed, Dec. 28, 1955; 1:52 p. m.]

JOSEPH D. KEENAN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended notice is hereby given of the appointment of Mr. Joseph D. Keenan, Secretary-Treasurer, Building and Construction Trades Department, American Federation of Labor, Washington, D. C., as an Expert, Assistant to Director for Labor, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on August 1, 1954.

Mr. Keenan's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Armour & Company.
Brown & Bigelow.
Burroghs & Company.
Commonwealth Edison.
Northern Gas.
Daystrom.
Eaton Manufacturing.
Libbon Uranium.
White Canyon Uranium.
Blue Lizard Uranium.
National Tea.
St. Regis Paper, Schering.
T. X. A. Oil.
U. S. Smelting.
Hussmon & Company.
Coastal Oil.
Gulf Coast Oil.
Consolidated Gas.
Consolidated Petroleum.

Dated: December 19, 1955.

Signed: JOSEPH D. KEENAN.

[F. R. Doc. 55-10518; Filed, Dec. 28, 1955; 1:53 p. m.]

JAMES M. HOOD

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James M. Hood, President, American Short Line Railroad Association, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Hood's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Executive Order 10647, Section 302b.

1. Officer or Director: The American Short Line Railroad Association.

2. Stockholder: The F. W. Woolworth Company.

Dated: December 8, 1955.

Signed: J. M. HOOD.

[F. R. Doc. 55-10519; Filed, Dec. 28, 1955; 1:53 p. m.]

HOWARD W. HALE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment

of Mr. Howard W Hale, General Superintendent, Transportation, St. Louis-San Francisco Railway Company, Springfield, Missouri, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Hale's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

General Superintendent Transportation.
St. Louis-San Francisco Railway Company, Springfield, Missouri.
Have been an officer on the above railway since 1920.
Have no connection with any other company.
Did not own any stocks or bonds of the above railway or other corporation within 60 days preceding my appointment on Railway Equipment Committee of Office of Defense Mobilization.

Dated: October 27, 1955.

Signed: HOWARD W HALE.

[F. R. Doc. 55-10520; Filed, Dec. 28, 1955; 1:53 p. m.]

JAMES F. HALEY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James F Haley, Manager, Traffic and Transportation Department, Koppers Company, Inc., Pittsburgh, Pennsylvania, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Haley's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Manager, Traffic and Transportation Department: Koppers Company, Inc., Koppers Building, Pittsburgh 19, Pa.
President (one-third owner) Foreign Car Service, Inc., 850 Koppers Building, Pittsburgh 19, Pa.

Dated: October 28, 1955.

Signed: JAMES F HALEY.

[F. R. Doc. 55-10521; Filed, Dec. 28, 1955; 1:53 p. m.]

RALPH H. ANDERSEN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Ralph H. Andersen, Executive Vice President, General Manager, United Engineering Corporation, Miami, Florida, as a Consultant (Executive Reservist) with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on June 14, 1955.

Mr. Andersen's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

United Engineering Corp.
National Credit Card of New York, A Partnership.
Carrier Corporation.

Dated: December 19, 1955.

Signed: RALPH H. ANDERSEN.

[F. R. Doc. 55-10522; Filed, Dec. 28, 1955; 1:53 p. m.]

RICHARD H. LAMBERTON

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Richard H. Lamberton, Midwest Sales Manager, General American Transportation Corporation, Chicago, Illinois, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Lamberton's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Special Representative: Union Tank Car Company, Chicago, Ill.
Own stock in: United Air Lines, Ohio Oil Company.

Dated: November 15, 1955.

Signed: RICHARD H. LAMBERTON.

[F. R. Doc. 55-10525; Filed, Dec. 28, 1955; 1:54 p. m.]

PERRY J. LYNCH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Perry J. Lynch, Vice President, Union Pacific Railroad, Omaha, Nebraska, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Lynch's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Union Pacific Railroad Company.
The St. Joseph & Grand Island Railway Company.
Oregon Short Line Railroad Company.
Oregon-Washington Railroad & Navigation Company.
Los Angeles & Salt Lake Railroad Company.
Union Pacific Motor Freight Company.
Las Vegas Land & Water Company.
Railway Express Agency, Inc.

Dated: October 27, 1955.

Signed: P J. LYNCH.

[F. R. Doc. 55-10523; Filed, Dec. 28, 1955; 1:54 p. m.]

JOHN N. LIND

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John N. Lind, General Traffic Manager, The National Supply Company, Pittsburgh, Pennsylvania, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Lind's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

General Traffic Manager: The National Supply Co., Pittsburgh, Pa.
President: Eight Mile Camp, Inc., Brookville, Pa.

Have shares of stock in: The National Supply Company, United Corporation, Glenn L. Martin, Oliver Corporation, Olympic Radio & Television Corporation.

Dated: October 28, 1955.

Signed: JOHN N. LEND.

[F. R. Doc. 55-10524; Filed, Dec. 28, 1955; 1:34 p. m.]

GEORGE N. LILYGREN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. George N. Lilygren, Vice President and General Manager, Machinery and Systems Division, Carrier Corporation, Syracuse, New York, as a Consultant (Executive Reservist), with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 16, 1955.

Mr. Lilygren's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Director: Aerofin Corporation.
Stockholder: Air Reduction Co., American Viscose.
Bondholder: Canadian Pacific.
Stockholder and Officer: Carrier Corporation.
Director: Carrier-Centrax, Inc.
Stockholder: Cluett Peabody, Continental Can, El Paso Natural Gas.
Bondholder: Gen. Motors Accept. Corp.
Stockholder: Hooker Electrochemical, Int. Business Machines, May Department Stores, Merck & Co.
Bondholder: Missouri Pacific, New York Power Authority.
Stockholder: Northern Natural Gas, Pioneer Natural Gas, Public Service El. & Gas, Pure Oil Co., Socony Vacuum, Southwestern Public Service, Standard Accident Insurance, Standard Oil of New Jersey.
Bondholder: Union Oil of California.

Dated: June 1, 1955.

Signed: GEORGE N. LILYGREN.

[F. R. Doc. 55-10526; Filed, Dec. 28, 1955; 1:54 p. m.]

ERNEST A. TUPPER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Ernest A. Tupper, Manager, American Can Company, Washington, D. C., as a Consultant, with the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on February 15, 1955.

Mr. Tupper's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Can Company. Headquarters: 100 Park Avenue, New York 17, New York.

Dated: December 19, 1955.

Signed: ERNEST A. TUPPER.

[F. R. Doc. 55-10527; Filed, Dec. 28, 1955; 1:55 p. m.]

HERBERT SCHREIBER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Herbert Schreiber, Statistician, Association of American Railroads, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Schreiber's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Stock owned: Indianapolis Power & Light Co., Jones & Laughlin Steel Corp.

Dated: October 28, 1955.

Signed: HERBERT SCHREIBER.

[F. R. Doc. 55-10528; Filed, Dec. 28, 1955; 1:55 p. m.]

ARTHUR E. BAYLIS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Arthur E. Baylis, Vice President, Freight Traffic, New York Central Railroad, New York, New York, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Baylis' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

DIRECTOR

(1) Hudson River Connecting R. R. Corp.
(1) St. Lawrence & Adirondack Ry. Co.
(3) (1) Niagara River Bridge Co.
(3) (1) Canada Southern Ry. Co.; Niagara Junction Ry. Co.
(1) Indiana Harbor Belt R. R. Co.
(3) (1) Detroit River Tunnel Co.
(1) Detroit, Toledo & Milwaukee R. R. Co.
(1) Lansing Transit Ry. Co.
(1) Hudson River Bridge Co.; Canadian Pacific Car & Passenger Transfer Co., Ltd., Ottawa & New York Ry. Co., Michigan Air Line R. R. Co.
(1) Joliet & Northern Indiana R. R. Co.; Battle Creek & Sturgis Ry. Co.
(1) Lansing Manufacturers R. R.
(1) Mahoning Coal R. R. Co.
(1) Mahoning & Shenango Valley Ry. Co.
(1) Shenango Valley R. R. Co.; Cherry Tree & Dixonville R. R. Co.; Nicholas, Fayette & Greenbrier R. R. Co.
(1) Mahoning State Line R. R. Co.; Cleveland Union Terminals Co.
(1) The Troy Union R. R. Co.
(2) Merchants Despatch Transportation Co.
(2) Northern Refrigerator Line, Inc.; New York Board of Trade; West Side Association of Commerce, Inc. of N. Y. City.

NOTE: (1) Also a Vice President. (2) Also Chairman, Executive Committee. (3) Also Member, Executive Committee.

VICE PRESIDENT

New York Central Railroad Co.
Pittsburgh & Lake Erie R. R. Co.
Chicago River & Indiana R. R. Co.
Lake Erie & Eastern R. R. Co.
Pittsburgh, McKeesport & Youghiogheny R. R. Co.
Stewart R. R. Co.
New York & Harlem R. R. Co.
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.
Michigan Central R. R. Co.
Peoria & Eastern Ry. Co.
The Owasco River Ry.

Dated: December 20, 1955.

Signed: A. E. BAYLIS.

[F. R. Doc. 55-10529; Filed, Dec. 28, 1955; 1:55 p. m.]

CARLTON S. DARGUSCH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to Section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Carlton S. Dargusch, Managing Partner, Dargusch, Caren, Greek and King, Columbus, Ohio, as As-

sistant Director for Manpower in the Office of Defense Mobilization.

Mr. Dargusch's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

The following are the corporations in which I was an officer or director within sixty days preceding my appointment:

The Sunday Creek Coal Co., The Clark Grave Vault Co., The Ohio Tuberculosis & Health Assn., Columbus Town Meeting, The Ohio State University, The Ohio State University Research Foundation, The Ohio State University Development Fund, The Ohio Land & Railway Co., The Buckeye Coal & Railway Co., The Ohio National Bank. All of Columbus, Ohio.

The Granville Inn & Golf Course, Inc., Granville, Ohio.

Henrite Products Corporation, Ironton, Ohio.

Ohio Agricultural Experiment Station, Wooster, Ohio.

Gem Coal Co., Drydock Coal Co., The Carbondale Coal Co. All of Nelsonville, Ohio.

I own stocks in the following companies: The Ohio National Bank, the Clark Grave Vault Company, Henrite Products Corporation, The Sunday Creek Coal Company, The Granville Inn & Golf Course, Inc.

I am a member of the law partnership, d/b/a Carlton S. Dargusch, which represents a substantial number of clients largely on an annual retainer basis, and am trustee or executor of several estates holding various securities.

Dated: October 5, 1955.

Signed: CARLTON S. DARGUSCH.

[F. R. Doc. 55–10530; Filed, Dec. 28, 1955; 1:55 p. m.]

LT. GEN. LEROY LUTES

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Lt. Gen. LeRoy Lutes, (Retired) President, Pacific Tire and Rubber Company, Oakland, California, as a Consultant, with the Office of the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on April 1, 1955.

Mr. Lutes' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

President; Pacific Tire and Rubber Company, Oakland 1, California.

Vice-President; Mansfield Tire and Rubber Company, Western Division, Oakland Plant Offices.

Stock owned in: Mansfield Tire and Rubber Co., Texas Gulf Producing Co., Atlas Corporation.

Dated: October 14, 1955.

Signed: LEROY LUTES,
Lt. General USA, Ret.

[F. R. Doc. 55–10548; Filed, Dec. 28, 1955; 3:04 p. m.]

EDWIN H. LAND

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Edwin H. Land, Chairman of Board, President, and Director of Research, Polaroid Corporation, Cambridge, Massachusetts, as an Advisor (Member, Science Advisory Committee) with the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under Defense Production Act of 1950 as amended, section 710 (b) October 12, 1955.

Mr. Land's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Polaroid Corporation, California Edison Company.

Dated: October 12, 1955.

Signed: EDWIN H. LAND.

[F. R. Doc. 55–10549; Filed, Dec. 28, 1955; 3:04 p. m.]

GEORGE R. LESAUVAGE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. George R. LeSauvage, Assistant to President, Frank J. Shattuck Company, New York, New York, as a Consultant, with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on October 27, 1954.

Mr. LeSauvage's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am employed by the Frank G. Shattuck Company, 58 West 23d Street, New York City.

I own stock in the Frank G. Shattuck Company (common).

I own stock in International Nickel Company (common); International Telephone and Telegraph Company (common).

Dated: December 14, 1955.

Signed: GEORGE R. LESAUVAGE.

[F. R. Doc. 55–10550; Filed, Dec. 28, 1955; 3:04 p. m.]

JAMES F BROWNLEE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. James F Brownlee, Partner, J. H. Whitney & Co., New York, New York, to the position of Consultant to the Director, Office of Defense Mobilization. This appointment was made under E. O. 10182, section 101 (a) on February 10, 1953.

Mr. Brownlee's statement of his business interests is set forth below.

Dated: December 28, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

James F. Brownlee, Partner, J. H. Whitney & Co.

Director of: The American Sugar Refining Co., Chase Manhattan Bank, The Gillette Co., R. H. Macy & Co., Minute Maid Corp.

Trustee of: The Ford Foundation.

Salary received from Minute Maid Corp. (Chairman); Consultant's fee from Calvert Distillers.

Minority stockholdings: American Express Co., American Sugar Refining Co., Atlantic City Electric Co., Amerada Petroleum Corp., American Chicle Co., American Turf Assn., Blue Ridge Mutual Fund, Chase Manhattan Bank, Columbia Baking Co., Citizens Fidelity Bank & Trust, Churchill Downs Inc., duPont de Nemours, Emery Air Freight, General Electric Co., General Foods Corp., Gillette Co., Green Giant Co., Jefferson Island Salt Co., Liberty National Bank & Trust, Liggett & Myers Tobacco Co., Montgomery Ward, R. H. Macy & Co., National Cash Register Co., J. C. Penney & Co., Phillips Petroleum Co., Pillsbury Mills, Inc., Plymouth Oil Co., Standard Oil Co. of New Jersey, F. W. Woolworth & Co., Westinghouse Electric Co., Ward Baking (Common and Preferred), San Jacinto Petroleum Corp.

Dated: December 23, 1955.

Signed: JAMES F BROWNLEE.

[F. R. Doc. 55–10551; Filed, Dec. 28, 1955; 3:04 p. m.]

ALBERT J. CAREY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Albert J. Carey, Assistant Vice President, New York Telephone Company, New York, New York, as a Consultant (Executive Reservist) with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Executive Order 10182, section 101 (a) on June 14, 1955.

Mr. Carey's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

A Director of Fitzpatrick-Pontiac, Inc., located at 62 Westchester Avenue, White Plains, New York.

An Assistant Vice President of the New York Telephone Company.

Owner of 27 shares of A. T. & T. Co. stock.

Owner of 6 A. T. & T. Company convertible debentures valued at $100 each.

Dated: December 21, 1955.

Signed: ALBERT J. CAREY.

[F. R. Doc. 55-10554; Filed, Dec. 28, 1955; 4:07 p. m.]

RUFUS J. WYSOR

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Rufus J. Wysor, Special Consultant, U. S. Steel Corporation, Pittsburgh, Pennsylvania, to the position of Consultant in the Materials area. This appointment was made on March 2, 1954 under Executive Order 10182, section 101 (a).

Mr. Wysor's statement of his business interests is set forth below.

Dated: December 28, 1955.

ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Bonds: U. S. Government, Ind. Toll Road, S. C. Public Service, Pa. Turnpike, Puerto Rico Water, Orange Village School, Maine Turnpike.

Equities: Jefferson Std. Life, Life & Casualty, National Life, Gulf Life, Life of Virginia.

Investment Trusts: Bullock Fund, Canadian Fund, Chemical Fund, Century Shares Trust.

Stocks: Celanese, Gamble-Skogmo, Dominion Steel & Coal, Dupont, Gulf Oil, J. B. Ivey, Republic Steel, U. S. Steel, Western Auto Supply.

Director: Dominion Steel & Coal Corpn. Ltd.

Pension: Republic Steel.

Consultant: U. S. Steel (expires December 31, 1955).

Dated: December 24, 1955.

Signed: RUFUS J. WYSOR.

[F. R. Doc. 55-10598; Filed, Dec. 29, 1955; 9:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-72]

COLUMBIA GAS SYSTEM, INC., AND SUBSIDIARIES

NOTICE OF MOTION AND NOTICE OF AND ORDER RECONVENING HEARING TO DETERMINE RETAINABILITY OF CERTAIN SUBSIDIARY COMPANIES

DECEMBER 27, 1955.

The above-entitled proceedings were instituted by the Commission on May 2, 1944 with respect to The Columbia Gas System, Inc. ("Columbia"), a registered holding company formerly known as Columbia Gas & Electric Corporation, and its subsidiary companies, pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 ("act"). Following the holding of a public hearing the Commission, on November 30, 1944, entered an order which, among other things, directed Columbia to sever its relationship with certain named companies and which reserved jurisdiction with respect to the retainability by Columbia of other named subsidiaries.

Notice is hereby given that Columbia has filed with the Commission a motion requesting that the Commission:

(a) Release the jurisdiction reserved in the order dated November 30, 1944, with respect to the retainability of Columbia's subsidiaries which were not held retainable in 1944; and

(b) Find and determine that the properties and operations of such subsidiary companies, as they exist today, together with the properties and operations of the subsidiary companies which the Commission determined in 1944 were retainable constitute one or more integrated systems of gas utility companies, together with businesses reasonably incidental, or economically necessary or appropriate to the operation of such system or systems, and are retainable by Columbia under section 11 (b) (1) of the act.

I. *Background.* On May 2, 1944 (Holding Company Act Release No. 5024), the Commission instituted the above-entitled proceedings, pursuant to sections 11 (b) (1) and 11 (b) (2) of the act, stating that it tentatively appeared Columbia's holding company system was not confined in its operations to those of a single integrated public-utility system together with additional systems and other businesses retainable under section 11 (b) (1) of the act, that the corporate structure of the system was unduly complicated, and that the voting power of the system was unfairly distributed. Columbia was ordered to file an answer and a hearing was called for the purpose of affording respondents and other interested persons an opportunity to present evidence with respect to the issues raised which are summarized below:

(a) Whether the electric utility assets of Columbia's subsidiaries named as having electric utility assets constituted more than a single integrated public-utility system;

(b) Whether the non-utility operations of those named companies as specified in (a) above were reasonably incidental to the operations of any single integrated public-utility system which the electric utility assets may have constituted;

(c) Whether the gas utility assets used for distribution at retail of Columbia's subsidiaries named as having such assets constituted more than a single integrated public-utility system and additional systems which might be retained by Columbia;

(d) Whether the non-utility businesses of those named subsidiaries as specified in (c) above were reasonably incidental to the operations of any single integrated public-utility system or additional systems;

(e) Whether under sections 11 (b) (1) (A) (B) and (C) of the act Columbia could retain any single integrated public-utility system, additional systems or incidental businesses referred to in (a) and (b) above together with any single integrated public-utility system, additional systems and incidental businesses referred to in (c) and (d) above;

(f) Generally what action was necessary to limit the operations of Columbia's holding company system to a single integrated public-utility system and such additional systems or other businesses as were retainable under section 11 (b) (1) of the act;

(g) What steps were necessary to insure that the corporate structure of Columbia's system would not be unnecessarily complicated or voting power unfairly distributed.

On August 3, 1944, during the course of the hearing, the President of Columbia sent a letter to the Commission outlining a proposed procedure which had as its purpose the shortening of the time which would be involved in the hearing. The letter stated that under the proposed procedure the Commission would be requested to make tentative findings in substance as follows:

A. That section 11 (b) (1) of the act required Columbia to sever its relationship with certain specified companies including the combined gas and electric companies serving the cities of Cincinnati and Dayton, Ohio;

B. That the gas production, transmission, and distribution properties and operations of, and the other businesses conducted by, certain specified companies constituted properties and operations of one or more integrated public-utility systems and businesses reasonably incidental or economically necessary or appropriate to the operation of such system or systems, control of which could be retained by Columbia.

The letter further proposed that the tentative findings would not deal with questions presented by Columbia's retention of ten other subsidiary companies ("the reserved companies") but that the Commission would expressly reserve jurisdiction to determine at a later date whether such companies could be retained by Columbia.

On August 10, 1944, the Commission issued its Memorandum Opinion and Statement of Tentative Conclusions, in substantial conformity with the request of Columbia. (See 16 S. E. C. 401.) Thereafter, the hearing was reconvened after due notice to all interested persons. No one appeared in opposition to the tentative findings of the Commission and the record was closed.

On November 30, 1944, the Commission issued its Findings and Opinion and Order in which the Commission ordered Columbia to sever its relationship with certain companies of which divestiture was required. (See 17 S. E. C. 494 and Holding Company Act Release No. 5455.) Jurisdiction was reserved with respect to the retainability by Columbia of its interest in the reserved companies. The Commission also held that 20 other companies and all their properties and operations were retainable by Columbia. Of these 20 companies, 3 were engaged in oil production, having contractual oil rights in most of the gas acreage drilled by companies in the Columbia system. One was the system service company. The remaining 16 companies, constituting the so-called Columbus, Charleston and Pittsburgh groups, were engaged in the production, transmission, storage, and wholesale and retail distribution of natural gas, some companies combining all these activities, some less than all. Their properties and operations, which were fully interconnected, covered an area extending into the States of Ohio, Pennsylvania, West Virginia, Maryland and Kentucky. The Pennsylvania properties, although chiefly in the western part of the State, included transmission lines running eastward across southern Pennsylvania to points near Philadelphia.

In its November 30, 1944 Opinion, the Commission stated, among other things:

"* * * that the distribution operations of the Charleston, Pittsburgh and Columbus groups are retainable by Columbia Gas under the standards of section 11 (b) (1) (A) (B) and (C) of the act, and that the production and transmission properties owned and operated by the companies within each group bear such a relationship to the distribution facilities as to permit their retention as businesses reasonably incidental, or economically necessary or appropriate to the conduct of the distribution operations."[10]

* * * * *

[10] In view of these findings, we have not deemed it necessary to consider whether the several distribution properties could be found to constitute a single "integrated public-utility system" within the meaning of section 2 (a) (29) (B) of the act, or whether the production and transmission properties could be found to constitute a part of such a system.

Columbia has fully complied with the Commission's 1944 order, having disposed of its interests in all of the companies of which divestiture was required. Of the ten reserved companies, three no longer exist; a fourth, Big Marsh Oil Company, a gas producing company whose wells are now connected with the properties of one of the companies heretofore found retainable, is operated as a part of such company. The remaining six are Atlantic Seaboard Corporation and Home Gas Company, both non-utility transmission companies, and Amere Gas Utilities Company, Virginia Gas Distribution Corporation, The Keystone Gas Company Inc., and Binghamton Gas Works, all public-utility gas distribution companies.

II. *The Present Columbia System.* The files of the Commission indicate that the present Columbia system is an interconnected natural gas system composed of the parent corporation, Columbia, 14 operating subsidiaries and a subsidiary service company. The operating subsidiaries are engaged in the production, purchase, storage, transmission and distribution of natural gas. Certain subsidiaries produce and sell gasoline and other hydro-carbons and one subsidiary produces and sells oil. Retail natural gas operations are conducted in the States of Ohio, Pennsylvania, West Virginia, Kentucky New York, Maryland and Virginia. In addition, the system has extensive wholesale operations and sells natural gas to associated and non-associated public-utility companies and municipalities for resale to their customers. The principal communities served at retail are Columbus, Lorain, Toledo and Springfield, Ohio; Pittsburgh (part only) and New Castle, Pennsylvania, Charleston, Huntington and Wheeling, West Virginia, Binghamton, New York; Cumberland, Maryland; and Lexington and Frankfort, Kentucky. Among the principal communities served at wholesale are Cincinnati, Dayton, Lima and Portsmouth, Ohio; Baltimore, Maryland, Richmond, Norfolk, Portsmouth and Roanoke, Virginia; Allentown, Bethlehem, Reading and Harrisburg, Pennsylvania; Nyack and Poughkeepsie, New York; and Washington, D. C. In the aggregate, the utility companies and municipalities which purchase gas at wholesale from the Columbia system serve approximately 1,530,000 customers. The system served at retail approximately 1,253,000 customers as at December 31, 1954.

The operating subsidiaries are segregated into four groups for administrative purposes. Their activities are described below:

1. *Columbus Group.* The Ohio Fuel Gas Company produces, purchases, stores, transports and distributes natural gas at retail in Ohio and sells natural gas at wholesale to non-associated companies.

2. *Pittsburgh Group.* The Manufacturers Light and Heat Company ("Manufacturers") produces, purchases, stores, transports and distributes natural gas at retail in Pennsylvania, West Virginia and Ohio and sells natural gas at wholesale to non-associated and associated companies.

Natural Gas Company of West Virginia produces, purchases, stores, transports and distributes natural gas at retail in Ohio.

Cumberland and Allegheny Gas Company ("Cumberland and Allegheny") produces, purchases, transports and distributes natural gas at retail in Maryland and West Virginia.

Home Gas Company ("Home") operates a transmission system extending across the southern part of New York State, through which is transported natural gas purchased from an associated company and which is sold at wholesale to associated and non-associated companies operating in New York. It also operates storage facilities in New York.

Binghamton Gas Works ("Binghamton") and The Keystone Gas Company Inc. ("Keystone"), purchase natural gas from Home which they distribute at retail in New York.

3. *Charleston Group.* United Fuel Gas Company ("United Fuel") produces, purchases, stores, transports and distributes natural gas at retail in West Virginia and Kentucky and operates minor distribution facilities in Ohio. It also sells natural gas at wholesale to associated and non-associated companies. United Fuel is the principal gas producing company of the system.

Amere Gas Utilities Company ("Amere") distributes natural gas at retail in West Virginia and sells a relatively small volume of gas at wholesale to one non-associated company.

Virginia Gas Distribution Corporation ("Virginia Distribution") distributes natural gas at retail in Virginia.

Central Kentucky Natural Gas Company purchases, stores, transports and distributes natural gas at retail in Kentucky and sells at wholesale to non-associated companies.

Big Marsh Oil Company ("Big Marsh") produces natural gas in West Virginia and sells it to United Fuel.

Atlantic Seaboard Corporation ("Seaboard") operates a transmission system through which natural gas is transported across Kentucky, West Virginia, Virginia and Maryland. Gas is sold at wholesale to non-associated companies for distribution in Washington, D. C., Baltimore, Maryland; Richmond, Virginia, and other eastern communities. Gas is also sold to Manufacturers and to Cumberland and Allegheny in the Pittsburgh Group and to Amere and Virginia Distribution in the Charleston Group.

4. *Oil Group.* The Preston Oil Company produces oil which it sells to non-associated companies.

Except in the cases of Cumberland and Allegheny and Big Marsh, Columbia owns all of the outstanding securities of its subsidiaries. Cumberland and Allegheny has outstanding with the public certain non-interest bearing purchase money obligations in the principal amount of $833,000, and 27.5 percent of the capital stock of Big Marsh is publicly held.

Set forth as Appendix "A"[1] is a corporate chart of the Columbia system showing the parent, the service company, the four operating groups with the individual

[1] Filed as part of original document.

companies making up each group, and the type of business of each company in the system.

Set forth as Appendix "B" is a map which shows the approximate retail service areas of the Columbia system companies, the major transmission lines of the system, and the lines of non-associated pipe line companies in the area. The transmission lines of Seaboard and Home are identified on the map by appropriate legend.

Seaboard, Amere, and Virginia Distribution will hereinafter be referred to collectively as the "Seaboard Companies" and Home, Keystone, and Binghamton as the "New York Companies" Jurisdiction as to retention of all these companies was reserved in 1944. In 1954 the Seaboard and New York Companies accounted for approximately 39.6 percent of the system's wholesale gas sales, 6.2 percent of its retail sales, and approximately 20 percent of its total gas sales.

Columbia asserts that the companies found retainable in 1944 are today engaged in rendering substantially the same kind of service in the same general areas in which such service was rendered in 1944. It further asserts that in 1948 Manufacturers constructed a north-south transmission line in eastern Pennsylvania between Coatesville, Pennsylvania, and Port Jervis, New York, thus connecting the easternmost point of Manufacturers' transmission line in southern Pennsylvania, found retainable in 1944, with the Home transmission line in New York State as to which jurisdiction was reserved. The north-south line renders wholesale service to, among others, nonassociated companies serving Bethlehem, Allentown and Easton, Pennsylvania.

The following table compares the extent of the Columbia system's wholesale and retail sales and revenues at two-year intervals from 1944 through 1954.

TABLE I

	1944	1946	1948	1950	1952	1954
Mcf sales:	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Wholesale sales	24.4	26.6	28.9	32.4	37.5	41.5
Retail sales	75.6	73.4	71.1	67.6	62.5	58.5
Total sales	100.0	100.0	100.0	100.0	100.0	100.0
Revenues:						
Wholesale revenues	18.0	19.3	19.9	22.7	29.2	32.3
Retail revenues	82.0	80.7	80.1	77.3	70.8	67.7
Total revenues	100.0	100.0	100.0	100.0	100.0	100.0

The following table compares the 1944 and 1954 sales and revenues, showing the total increases during the ten-year period.

TABLE II

	1944	1954	Increase	
MMcf sales:				*Percent*
Wholesale sales	41,480	201,857	160,377	386.6
Retail sales	128,520	284,975	156,455	121.7
Total sales	170,000	486,832	316,832	186.4
Revenues:				
Wholesale revenues	$14,580,000	$83,200,000	$68,620,000	470.6
Retail revenues	66,420,000	170,279,000	103,859,000	156.3
Total revenues	81,000,000	253,479,000	172,479,000	212.9

The New York Companies. The retail distribution properties of Binghamton and Keystone are located along the gas transmission line of Home. Home receives its supplies of natural gas, both at its west end and near its east end, from Manufacturers, and through Manufacturers draws on the resources of Columbia's pooled gas supply. The properties of Keystone in and around Olean, New York, are approximately 10 miles from distribution properties of Manufacturers located in northern Pennsylvania. The properties of Keystone and Binghamton in Binghamton, Johnson City, Endicott and Delaware County, New York, are farther east, but are closely clustered along the east-west Home transmission line running through the "southern tier" counties of New York State.

Home owns and operates a gas transmission line located in New York State which extends approximately 250 miles eastward from Olean, New York through the "southern tier" counties to Nyack, New York, paralleling the Pennsylvania State line. The line connects at its west end, near Olean, with a transmsision line of Manufacturers and also connects at Port Jervis, New York, in the east, with the Coatesville-Port Jervis line of Manufacturers.

Home has gas storage fields at points along or closely adjacent to its line. It supplies all of the gas requirements of Binghamton and Keystone and sells gas to non-associated public utility companies. During the year 1954, Home sold to Binghamton and Keystone a total of 8,672,652 Mcf, or approximately 60 percent of its total sales. It sold 5,664,940 Mcf, or approximately 40 percent of its total sales to non-associated public utility companies. Its net plant at December 31, 1954, was stated at $12,690,000. For the calendar year 1954 Home reported earnings approximating 6½ percent of its total average invested capital during that year.

Columbia alleges that the New York companies are related to the gas utility companies found retainable in 1944 in view of the functional and operating relationships which exist between such companies; that the gas supply of the New York distribution companies is obtained from Home at a cost which reflects the benefits to be derived from coordinated operations, including Columbia's pooled gas supply and its storage facilities; that the system gas supply is adequate to supply the needs of the New York companies; that construction by the New York companies is financed by Columbia at a cost which is more reasonable than would be the case if these companies were required to finance themselves; that retention of the New York gas utility companies would not materially increase the size of Columbia's retainable utility system or systems, since the combined net utility plant of Keystone and Binghamton, aggregating approximately $7,267,000 at December 31, 1954, represented only about 1.5 percent of the system net utility plant heretofore found retainable and which aggregated $480,055,000 at the same date; that the New York distribution companies are subject to regulation by the New York Public Service Commission and that all of the Columbia subsidiaries which are engaged in the interstate transportation or sale of natural gas, including Home, are regulated by the Federal Power Commission.

The Seaboard Companies. The retail distribution properties of Amere and Virginia Distribution are located along the Seaboard 20-inch transmission line which extends east and northeast from Boldman, Kentucky to the Pennsylvania-Maryland border. The principal retail distribution operations of Amere are located in and around Beckley, West Virginia, which is approximately 30 miles from the retainable retail distribution operations of United Fuel. All of Amere's retail distribution operations are in West Virginia, and none is more than 75 miles from the retainable distribution facilities of United Fuel.

Virginia Distribution sells natural gas at retail in a number of small communities located along the Seaboard 20-inch transmission line in Virginia, the closest of which is approximately 20 miles east of the nearest properties of Amere. All of the towns served are within 20 miles of the Seaboard properties. The properties of Virginia Distribution roughly parallel the retainable retail distribution properties of Cumberland and Allegheny in Maryland and West Virginia and none of Virginia Distribution's properties is more than 80 miles from retail distribution properties of other companies held retainable in 1944.

Seaboard owns and operates two high pressure gas transmission lines. One of these is a 20-inch line constructed in 1931 extending 420 miles from Boldman, Kentucky, eastward across West Virginia, Virginia, and Maryland to the Pennsylvania boundary where it connects with the southern Pennsylvania transmission line of Manufacturers held retainable in 1944. The other Seaboard line is a 26-inch line constructed in 1949 extending 260 miles from United Fuel's Cobb compressor station near Charleston, West Virginia, eastward across West Virginia and Virginia to a connection with the 20-inch Seaboard line near Washington, D. C. Seaboard makes wholesale sales to Amere and Virginia

Distribution and to nonassociated companies serving Washington, Baltimore, the Virginia tide-water area, and other cities and communities.

The following table shows the quantities of gas sold by Seaboard in 1953 and 1954 to nonassociated companies and to associated companies for system use. The sales to associated companies are divided as between those made to companies found to be retainable in 1944 and those over which jurisdiction as to retainability was reserved.

TABLE III

Sales to—	1953		1954	
	MMcf	*Percent*	*MMcf*	*Percent*
Nonassociated companies	61,453	81.90	73,961	84.06
Associates found retainable	6,430	8.57	6,264	7.12
Associates—reserved	7,150	9.53	7,764	8.82
	75,033	100.00	87,989	100.00

Columbia contends that, apart from the actual sales of gas in the ordinary course of business by Seaboard to associated gas utility companies, Seaboard has in the past and stands ready in the future to provide additional gas to the system in the event of an emergency.

Seaboard purchases all of its gas from United Fuel, one of the companies found retainable in 1944. Net plant of Seaboard at December 31, 1954, was stated at $52,993,000. For the calendar year 1954 Seaboard reported earnings, including net contingent earnings, approximating 5.4 percent of its total average invested capital during that year, and approximating 5 percent, excluding net contingent earnings. Contingent earnings are defined as those which result from the collection of higher rates under bond pending determination of the rate to be allowed by the regulatory body having jurisdiction.

Columbia alleges that the Seaboard companies are related to the gas utility companies found retainable in 1944 in view of the functional and operating relationships which exist between such companies; that there is physical interconnection of the properties by means of which Seaboard is able to purchase all of its gas requirements from United Fuel and supply all of the gas requirements of Virginia Distribution and most of the gas requirements of Amere; that in 1954 Seaboard furnished approximately 4 percent of the gas supply of Manufacturers and about 5 percent of the requirements of Cumberland and Allegheny; that Amere and Virginia Distribution participate in the system's pooled gas supply and benefit from system storage facilities and other coordinated operations; that the Seaboard companies' construction requirements are financed by Columbia at a cost which is more reasonable than the cost would be if these companies were required to finance themselves; that retention of Amere and Virginia Distribution would not substantially increase the size of the public utility system or systems found retainable by Columbia, since the combined net utility plant of Amere and Virginia Distribution, aggregating approximately $6,963,000 at December 31, 1954, represented only 1.4 percent of the system net utility plant heretofore found retainable; that Amere is subject to regulation by the West Virginia Public Service Commission and Virginia Distribution is subject to regulation by the Virginia State Corporation Commission; and that United Fuel, Seaboard and Amere are regulated by the Federal Power Commission.

Big Marsh Oil Company. In 1944, the four natural gas wells of Big Marsh, because of their location, were shut in and not interconnected with any Columbia system properties. Columbia alleges that since 1944 other producing gas wells have been discovered in the same area; that it has become economically feasible to install gathering lines to the Big Marsh wells and the other wells in that area; and that the production properties of Big Marsh are now operated in the same manner as are all other Columbia system producing gas wells.

III. *Columbia's contentions as to retainability of the reserved companies.* In support of its motion Columbia contends that the Seaboard and New York companies have had and now have a close operating and functional relationship with the companies which the Commission in 1944 determined were retainable by Columbia and are largely dependent on them for their gas supply; that in the context of the natural gas industry as it existed in 1944, in which local production of gas close to market was predominant and long-distance transmission the exception, the Seaboard and New York companies possibly presented some unusual questions under section 11 of the act thus accounting for the suggestion by Columbia that the Commission reserve jurisdiction in its November 30, 1944, order over the retainability by Columbia of the Seaboard and New York companies; that the section 11 questions related to the Seaboard and New York companies which may have seemed unusual in the context of the natural gas industry in 1944 have been basically altered by the tremendous increase in size and scope and the basic changes in character of operations of the industry; that the necessity for the Columbia system to meet increased winter peaks coupled with the system's necessity of obtaining large volumes of gas from distant southwest areas has greatly increased the necessity for underground storage reservoirs located close to Columbia's service areas in which gas can be stored during the summer months (using the long-distance southwest pipelines at a high annual load factor) and from which reservoirs the gas can be withdrawn as required to meet winter peaks; that since 1944 the properties and operations of the Seaboard and New York companies and of the remainder of the Columbia system have been altered in such manner as to make them continually more interrelated and coordinated in operation; that the net plant, property and equipment of the system has increased during the ten-year period from approximately $192,000,000 in 1944 to approximately $561,000,000 in 1954; that the net plant, property and equipment of the Seaboard and New York companies has increased from approximately $14,768,000 in 1944 to approximately $79,913,000 in 1954; that Columbia's construction program has been planned to meet the coordinated requirements of the system as a whole in which the requirements of the Seaboard and New York companies have been an integral part; and that under existing conditions the properties of the Seaboard and New York companies are clearly retainable by Columbia under the standards of section 11 (b) (1) of the act.

IV *Procedure.* In view of the aforesaid motion filed by Columbia and to assist the Commission in resolving the issues which remain unresolved as a result of the reservation of jurisdiction in the order of November 30, 1944, the Commission deems it appropriate that the hearing in this matter be reconvened for the purpose of adducing evidence to enable the Commission to determine whether the holding company system of Columbia as presently constituted is confined in its operations to those of a single integrated public-utility system, within the meaning of the act, or to those of a single integrated public-utility system together with such additional integrated public-utility systems as meet the requirements of section 11 (b) (1) (A) (B) (C) and such other businesses as can be retained under the standards of section 11 (b) (1)

It is ordered, That the hearing in the above-entitled matter be reconvened on the 30th day of January 1956 at 10 a. m. at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the reconvened hearing should file with the Secretary of the Commission on or before January 23, 1956, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell or any other officer of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the motion filed by Columbia and its brief in support thereof and that it has made a further examination of the relationships among the companies in the Columbia holding company system and the properties owned or controlled by Columbia and its subsidiaries and on the basis thereof the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the New York and Seaboard subsidiaries which distribute natural gas at retail constitute, together with the gas utility companies found retainable in 1944, a single integrated public-utility system and, specifically, what

economies, if any, are effectuated by the coordinated operation as a single system of all the subsidiaries of Columbia which distribute natural gas at retail;

(2) If all of the subsidiaries of Columbia which distribute natural gas at retail do not constitute a single integrated public-utility system, whether the New York and Seaboard subsidiaries which distribute natural gas at retail are a part of any single integrated public-utility system controlled by Columbia or constitute systems additional to any single integrated public-utility system controlled by Columbia and whether as additional systems they may be retained by Columbia under section 11 (b) (1) of the act;

(3) If the New York and Seaboard subsidiaries which distribute natural gas at retail constitute part or parts of any additional integrated public-utility system or systems held retainable by Columbia in 1944, what economies, if any, are effectuated by the coordinated operation of such additional single system or systems;

(4) If the New York and Seaboard subsidiaries which distribute natural gas at retail constitute additional integrated public-utility systems, what economies, if any, would be lost if control of such additional systems were not retained by Columbia;

(5) If all of the subsidiaries of Columbia which distribute natural gas at retail constitute a single integrated public-utility system, whether the non-utility businesses and operations of the New York and Seaboard companies and Big Marsh are reasonably incidental or economically necessary or appropriate to the operation of such system and whether their retention would not be detrimental to the proper functioning of such system;

(6) If all of the subsidiaries of Columbia which distribute natural gas at retail constitute more than a single integrated public-utility system, whether the non-utility businesses and operations of the New York and Seaboard companies and Big Marsh are reasonably incidental and economically necessary or appropriate to the operation of any single integrated public-utility system or retainable additional systems and whether their retention would not be detrimental to the proper functioning of any such system or systems;

(7) Whether it would be appropriate in the public interest and in the interest of investors and consumers to grant, in whole or in part, the aforesaid motion filed by Columbia;

(8) Generally, what properties and companies now controlled by Columbia with respect to the retainability of which the Commission reserved jurisdiction in the aforesaid order of November 30, 1944, may be retained by Columbia under the applicable standards of section 11 (b) (1) of the act.

It is further ordered, That at such reconvened hearing particular attention be directed to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing by mailing a copy of this Notice and Order by registered mail to Columbia, the Federal Power Commission, the Ohio Public Utilities Commission, the West Virginia Public Service Commission, the Virginia State Corporation Commission, the Maryland Public Service Commission, the District of Columbia Public Utilities Commission, the Pennsylvania Public Utility Commission, the New York Public Service Commission, the Kentucky Public Service Commission, the Washington Gas Light Company, the Baltimore Gas and Electric Company, the Commonwealth Natural Gas Corporation, the Central Hudson Gas & Electric Corporation, the Rockland Light and Power Company, and the mayors of the following cities: Columbus, Lorain, Toledo, Springfield, Cincinnati, Lima and Dayton, Ohio; Pittsburgh and New Castle, Pennsylvania; Charleston, Huntington and Wheeling, West Virginia; Frankfort, Covington, Lexington and Ashland, Kentucky; Binghamton, Olean, Poughkeepsie and Nyack, New York; Staunton, Richmond, Portsmouth, Norfolk and Roanoke, Virginia; and Cumberland, Hagerstown and Baltimore, Maryland; that notice is hereby given of said reconvened hearing to all companies hereinabove mentioned by name and to all other persons including the security holders of Columbia, all state municipalities and political subdivisions of states within which are located any of the physical assets of the Columbia system, all State Securities Commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over Columbia or its subsidiaries or any of the businesses, affairs or operations of any of them; that notice of such reconvened hearing shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list of the Commission for releases issued under the Act; and that further notice be given to all persons by publication of this Notice and Order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10595; Filed, Dec. 30, 1955; 8:53 a. m.]

[File No. 70-3429]

WHEELING ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE AND SALE OF NOT IN EXCESS OF $7,000,000 OF BANK LOAN NOTES

DECEMBER 27, 1955.

Wheeling Electric Company ("Wheeling") a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

Wheeling proposes, pursuant to a bank loan agreement dated as of December 1, 1955, to borrow, from time to time prior to December 31, 1956, from the following banks, not in excess of the amounts set forth below:

Mellon National Bank & Trust Co., Pittsburgh, Pa.	$3,000,000
Bankers Trust Co., New York, N. Y.	1,000,000
The First National City Bank of New York	1,000,000
Guaranty Trust Co. of New York	1,000,000
Manufacturers Trust Co., New York, N. Y.	1,000,000
Total	7,000,000

Each borrowing will be evidenced by a promissory note maturing December 1, 1965, and bearing interest at the prime commercial loan rate of the particular bank in effect from time to time, plus ¼ of 1 percent, but the interest rate shall at no time exceed 3¾ percent or be less than 2¾ percent per annum. In addition, Wheeling will pay substitute interest at the rate of ¼ of 1 percent per annum on the daily average unused amount of the commitment of each bank from December 1, 1955, through December 31, 1956.

The notes may be prepaid at any time without penalty unless prepayment is made from the proceeds of, or in anticipation of, bank borrowings at a rate of interest equal to or less than the applicable rate on the notes to be prepaid. In such latter event, with certain exceptions, a prepayment premium shall be payable computed at the rate of ¼ of 1 percent per annum of the amount prepaid, from the date of prepayment to and including December 1, 1965.

The proceeds from the borrowings are to be used to prepay all bank loan notes outstanding at the date of the proposed initial borrowings, and to pay in part for the construction of additional facilities, the cost of which is estimated at $2,900,000 for the last half of 1955 and for the year 1956.

The bank loan agreement provides, among other things, that Wheeling will not create or permit any mortgage on its property or incur any indebtedness for borrowed money if the total principal amount of all indebtedness to be outstanding shall exceed the lesser of (a) 62½ percent of the company's capitalization, or (b) $12,000,000. The agreement also provides that the company upon specified notice may terminate, or from time to time reduce, the commitments of the banks.

The issuance and sale of the proposed bank loan notes in the aggregate amount of $7,000,000 have been authorized by the Public Utilities Commission of Ohio, in which State a portion of Wheeling's operations is conducted.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 under the act, and no hearing having been requested of, or ordered by, the Commission; and

The Commission observing no basis for adverse findings, and finding that the applicable provisions of the Act and the Rules thereunder are satisfied, and it appearing that the fees and expenses to be incurred, consisting of legal fees of not to exceed $1,200, payable $1,000 to Simpson, Thacher & Bartlett and $200 to Pomerene, Burns & Milligan, and of miscellaneous expenses of $100, are not

unreasonable, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that the declaration be, and it hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10596; Filed, Dec. 30, 1955; 8:53 a. m.]

[File No. 812-979]

DAVENPORT INVESTMENT FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF CLOSED-END INVESTMENT COMPANY

DECEMBER 27, 1955.

Notice is hereby given that Davenport Investment Fund, Inc. ("Davenport"), a corporation organized under the laws of the State of Rhode Island, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from the provisions of the act. Davenport has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

Davenport is a closed-end non-diversified management investment company as defined in the act and was organized on November 29, 1955. Its authorized capital consists of 100,000 shares of $1 par value common stock. The company proposes to offer such shares to residents of the State of Rhode Island at an aggregate public offering price not to exceed $100,000.

Davenport proposes to invest the larger percentage of its capital in common stocks of various corporations, while a smaller percentage will be invested in preferred stocks and corporate bonds. It will not issue senior securities, nor underwrite the securities of other issuers, nor purchase and sell real estate, commodities or commodity contracts, nor make loans to other persons.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted from the following provisions of the act and the respective Rules and Regulations promulgated under each of such provisions:

Section 7; section 8 (b) except the requirement to file the information required by Items 3, 4, and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 10 (b) (1) but only for a period of 60 days following issuance of the Commission's order herein; section 14, section 20 (a), section 23 (c) section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a) section 30 (b) except that Davenport shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e) section 30 (f) to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a) *Provided,* That the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may, not later than January 10, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing hereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10597; Filed, Dec. 30, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIE SCHUEBEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Schuebel, nee Keiner, Bavaria, Germany, Claim No. 43047, Vesting Order No. 3130; $226.25 in the Treasury of the United States.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON, *Deputy Director, Office of Alien Property.*

[F R. Doc. 55-10535; Filed, Dec. 30, 1955; 8:45 a. m.]

OSCAR THEODORE AND FREDERICK DE SOLA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Oscar Theodore de Sola, Caracas, Venezuela, Claims Nos. 41547, and 41548; Frederick de Sola, Orselina sopra Locarno, Canton Tessin, Switzerland, Claims Nos. 41549, and 41550, Voluntary Turnovers; $2,238.67 in the Treasury of the United States; one-half (½) thereof to each claimant.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-10536; Filed, Dec. 30, 1955; 8:45 a. m.]

ANDREAS REICHMANN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

$5,434.81 in the Treasury of the United States, to the claimants in the following proportions:

1. Andreas Reichmann, Graben No. 5, Linz/Donau, Austria: 23/264 thereof.

2. Anna Reichmann, Trabenig 26, Austria: 23/264 thereof.

3. Anton Reichmann, Wernberg, Austria: 23/264 thereof.
4. Cecilia Pachleitner, Rischofstrasse No. 9, Lina/Donau, Austria: 23/264 thereof.
5. Ernst Reichmann, Trabenig No. 17, Austria: 23/264 thereof.
6. Heinrich Reichmann, Trabenig No. 26, Austria: 23/264 thereof.
7. Joseph Reichmann, Ossiacherzelle, Villach, Austria: 23/264 thereof.
8. Juliane Schaller, Trabenig 26, Gen. Wernberg, Austria: 23/264 thereof.
9. Maria Nebohi, Moedling bei Wien, Austria: 23/264 thereof.
10. Robert Reichmann, Lichtersberg No. 4, Alt-Aussee, Austria: 23/264 thereof.
11. Lydia Reichmann as Guardian of, Franz Erwin Reichmann, Trabenig No. 17, Post Foderlach, Austria: 35/528 thereof.
12. Lydia Reichmann, Trabenig No. 17, Post Foderlach, Austria: 1/48 thereof.
13. Joseph Reichmann, Sr., Trabenig No. 17, Post Foderlach, Austria: 1/24 thereof.

Claim No. 44997.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 55-10537; Filed, Dec. 30, 1955; 8:45 a. m.]

LINA FRANK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Lina Frank, Hotel Majestic, Turin, Italy, Claim No. 57691; Vesting Order No. 740; $303.80 in the Treasury of the United States.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10538; Filed, Dec. 30, 1955; 8:46 a. m.]

JOSEF ZELENY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property and Location

Josef Zeleny, Vienna, Austria, Claim No. 41971, Vesting Order No. 4040; in the Treasury of the United States, $221.34.

Leopoldine Zeleny Knelfel, Vienna, Austria, Claim No. 41971, Vesting Order No. 4040; in the Treasury of the United States, $221.34.

Rosa Juran Spiegel, Vienna, Austria, Claim No. 41972, Vesting Order No. 4040; in the Treasury of the United States, $442.68.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10539; Filed, Dec. 30, 1955; 8:46 a. m.]

ERNESTO JORGE HASTEDT MINCK AND ELENA HASTEDT DEBLAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernesto Jorge Hastedt Minck and Elena Hastedt DeBland, Both of Guatemala City, Guatemala, Claim No. 4386; $3,635 in the Treasury of the United States. One-half thereof to each claimant.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10542; Filed, Dec. 30, 1955; 8:46 a. m.]

MARIE KERNBICHLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Marie Kernbichler, Pfaffstatten, Austria, Claim No. 59160; $367.65 in the Treasury of the United States.

Marie Kernbichler, Pfaffstatten, Austria; Therese Woeber, Vienna, Austria; Franziska Dandl, Vienna, Austria; Anton Dandl, Vienna, Austria; Rosa Dandl, Vienna, Austria, Claim No. 59161; $367.65 in the Treasury of the United States, one-half (½) thereof to Marie Kernbichler and the remainder, in equal shares, to Therese Woeber, Franziska Dandl, Anton Dandl and Rosa Dandl.

Therese Woeber, Vienna, Austria, Claim No. 59162; $91.91 in the Treasury of the United States.

Franziska Dandl, Vienna, Austria, Claim No. 59163; $91.91 in the Treasury of the United States.

Anton Dandl, Vienna, Austria, Claim No. 59164; $91.91 in the Treasury of the United States.

Rosa Dandl, Vienna, Austria, Claim No. 59165; $91.91 in the Treasury of the United States.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10541; Filed, Dec. 30, 1955; 8:46 a. m.]

SCHOTT FRERES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Otto Junne d/b/a Schott Freres, 30, rue St. Jean, Bruxelles, Belgium, Claim No. 43973; $65.84 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the works entitled: In Venice, Rope Dance, at Fountain, Waltz Lullaby, Minuet, Le Bouton D'Or, Le Camelia, Hear Me and L'Azalee, by Henri Van Gael; Valse Seranade, by Rene Demaret; Impromptu Seranade, and La Gracieuse, by Theodore Lack; Petite Romance Expressive, by M. P. Marsick and Menuet Des Roses, Chanson Venitienne and Impromptu Pompadour, by Albert Landry, as listed in Exhibit A of Vesting Orders Nos. 4031 (9 F. R. 13780, November 17, 1944) and 4034 (9 F. R. 13781, November 17, 1944), to the extent owned by Otto Junne d/b/a Schott Freres immediately prior to the vesting thereof by Vesting Orders Nos. 4031 and 4034.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10540; Filed, Dec. 30, 1955; 8:46 a. m.]

CORNELIS GERHARD CAREL SCHÜTTE AND ANNA SCHÜTTE DIEPENHORST

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on July 8, 1955 (20 F R. 4884) with respect to the return to D. C. Schütte the sum of $4,236.67 in the Treasury of the United States;

Whereas, information was subsequently received to the effect that D. C. Schütte died in The Netherlands on April 29, 1950, leaving as his heirs Cornelis Gerhard Carel Schütte and Anna Schütte Diepenhorst;

Whereas, the aforesaid heirs have been substituted as claimants in this matter;

Now, therefore, pursuant to section 32 of the Trading with the Enemy Act, as amended, said Notice of Intention to Return Vested Property is hereby amended by deleting under "Claimant" the name D. C. Schütte and under "Property and Location" $4,236.67 in the Treasury of the United States and substituting therefor the following:

Claimant, Property and Location

Cornelis Gerhard Carel Schütte, Zeist, The Netherlands; Anna Schütte Diepenhorst, Epe, The Netherlands, Claim No. 41848; Vesting Order No. 248; $4,236.67 in the Treasury of the United States to the claimants in equal shares.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10543; Filed, Dec. 30, 1955; 8:46 a. m.]